

INQUIRY[®]

MAGAZINE

MAY 26, 1980 • \$1.25

Arming Morocco for a Saharan Vietnam

Dealing with Virginia's 'Unfit to Breed'

How the FTC Protects Us from Blizzards



**RENT
CONTROL—**

**The
New York
Disease
Heads West**

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Ramsey Clark, Fred Cook, Terrence Des Pres,
E.L. Doctorow, Richard Falk, Jules Feiffer,
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INQUIRY[®]

M A Y 2 6 , 1 9 8 0

The New York Disease Heads West

THOMAS W. HAZLETT

p. 12

Rent control doesn't work; just ask anyone in New York about that city's dwindling housing supply. But politicians have trouble resisting the public clamor for controls. On p. 15 Geoffrey Sampson tells of England's second thoughts about rent control.

Arms for Peace

STEPHEN TALBOT

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The United States is sending jet fighters, helicopters, and antitank missiles to help Morocco's king 'negotiate' with the independence-minded people of the Western Sahara.

COLUMNS & REVIEWS

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Snowed under by the FTC. The blizzards that hit Chicago in 1979 wreaked havoc on the computers at JS&A Group, Inc., a mail-order firm.

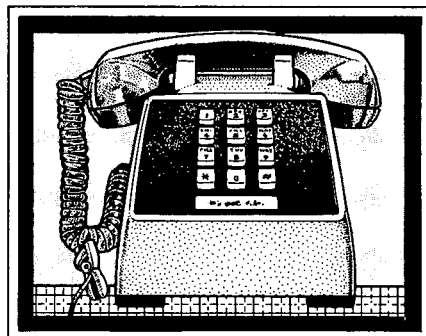
But the snow was merciful compared to the FTC.

(MICHAEL KILIAN)

The Therapeutic State p. 9

Dealing with the 'unfit to breed.' The American eugenics movement, springboard for such experiments as the Nazi "racial hygiene" program, is largely dead. But for its victims, the horror lives on.

(E. SCOTT ROYCE)



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A WORD FROM THE PUBLISHER

FRIEDRICH A. HAYEK, Nobel laureate in Economics, wrote these telling words concerning rent control: "Whoever has seen the progressive decay of housing conditions and the effects on the general manner of life of the people of Paris, Vienna, or even London, will appreciate the deadly effect that this one measure can have on the whole character of an economy—and even of a people." In this issue, Tom Hazlett sets forth the destructive consequences of rent control with an eye to the experience of New York and the future of Los Angeles and other American cities, and Geoffrey Sampson reports on the impact of controls in the U.K. It's an old but recurring story: As with so many other interventions, the actual, ineluctable results of rent control are the very opposite of what's aimed at by its often well-intentioned supporters. We hope proponents of controls will take the lesson to heart.

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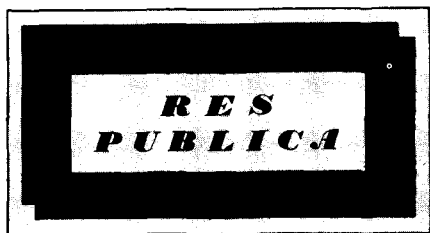
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The age of Aquarius

■ A town meeting [in Mora, New Mexico] that drew a crowd of 500 to discuss a proposed music and ecology festival erupted into violence last night as angry residents hurled beer bottles and rocks at the promoters.

Two and a half hours after the meeting was scheduled to begin, the chairman, Sam Bigil, adjourned it. A resident rushed the speakers' table and pushed it over, and part of the crowd left the bleachers and charged the speakers' area.

—*New York Times*, Mar. 26, 1980

New wetback problem

■ Dozens of species of exotic fish—not native to America—have found their way into U.S. waters and pose a new biological threat for the nation's waterways, a government survey shows.

The survey, conducted by the U.S. Fish and Wildlife Service's research laboratory at Gainesville, Fla., concluded that 84 exotic fish species have been found in U.S. waters.

The survey warns that once undesirable species are released and prosper in an alien habitat, eradicating them is difficult—if not impossible.

—*San Francisco Chronicle*, Apr. 7, 1980

Protecting the consumer from the chaos of the marketplace

■ Eight hours a day, five days a week, in a plant in Livingston, Calif., Betty Galleher sits on a stool wearing a white lab coat and stares into a complex arrangement of mirrors. The mirrors let her see all sides of freshly processed chickens as they whiz by on a conveyor belt at the rate of more than one every second.

Galleher is one of an army of 8,000 inspectors who are required by federal law to examine every one of the almost 4 billion chickens, ducks and turkeys that Americans consume every year. The poultry inspection program costs the Department of Agriculture more than \$250 million a year—even though most experts agree that the risk of humans contracting diseases from chickens today is almost nil.

—*Los Angeles Times*, Mar. 31, 1980

And now let's all sing "Roll Out the Barrel"

■ Secret Home Office plans in the event of a nuclear attack reveal for the first time the extent of the expected devastation in Britain, the inadequacy of protection for the public, and the brutal decisions that will have to be taken about treating the millions of casualties.

In the period leading up to the attack—it could be as long as several weeks—the government plans to "allay public concern and prevent any disruption of normal life." To this end the Home Office would release very little news to the public.

In the immediate pre-attack period—about 72 hours—all television and radio services would close down and be replaced by a single programme, the special wartime broadcasting service, station WTBS. This would consist mainly of news, official announcements, and measures for survival. But the Home Office planning document adds, "there would be, for morale purposes, an entertainment element."

—*The Sunday Times* (London),
Feb. 17, 1980



Mr. Integrity

■ Some eyebrows were raised when, in announcing his candidacy last November, Mr. Reagan mentioned allegations of "excess" oil-company profits. "I don't believe we've been given all the information we need to make a judgment about this," he said then. "We should have that information. Government exists to protect us from each other."

In a recent interview he explained that he hadn't really meant it: "I'll tell you why I felt I had to say it," he explains. "I was reasonably sure we had enough information. But all the polls indicated the public was absolutely convinced that there was a rip-off and the villain was the oil companies."

—*Wall Street Journal*, Mar. 27, 1980

Godfather III

■ Governor Carey signed legislation today paving the way for New York State's entry into the daily numbers game. The legislation did not specifically authorize a daily numbers game; that power already rested with the State Lottery Division. The legislation simply allows the state to raise its payoff from 400 to 1 to 500 to 1. Several legislators who appeared to have some knowledge about the illegal racket said the payoff on the street game was currently 600 to 1.

—*New York Times*, Apr. 3, 1980

The hair of the dog

■ Amid all the budget slashing that Jimmy Carter plans to announce this week, one Federal agency will receive more funds rather than less. The bureau with the inflated budget is the one in charge of fighting inflation: the Council on Wage and Price Stability. Its \$10 million current allotment will be boosted to \$25 million because of a huge increase in personnel. The present staff of 80 is being increased to 450 so that the council can widen its monitoring of wages and prices and campaign more extensively for observance of the President's voluntary guidelines.

—*Newsweek*, Apr. 7, 1980

And remember, children, if your parents don't fill out the nice form, you're to come and tell teacher.

■ Eighth-graders at a South Bronx junior high school yesterday echoed their parents' fears and questions about the 1980 census at a meeting with Representative Robert Garcia, a graduate of the school, and Vincent P. Barabba, national director of the census.

"Some people say they're scared the income-tax people will find out about them from the census—and how about the illegal aliens?" asked 13-year-old Jose Vega.

"Can the information be used for drafting people?" asked Maurice Wiloughby, also 13.

But after hearing repeatedly that census data is "secret," most of the eighth-graders, at Junior High School 149, said they would ask their families to fill out the form, which will be mailed today to all households in the United States. The Census Bureau is relying on the nation's children to bring messages of reassurance to their parents and to help in translating and filling out the forms in homes where English is a second language.

—*New York Times*, Mar. 25, 1980

I N Q U I R I E S

Fiasco in the desert

Untruth and consequences

IT'S CERTAINLY VERY KIND, BUT COMPLETELY unnecessary, for President Carter to go out of his way to make *INQUIRY* look good. No sooner did our May 5 issue, with its cover story, "Jimmy Carter's Astounding Lies," come off the presses, than the President revealed he had been lying to us for five months about what he planned to do in Iran.

From the very first Carter swore he would not mount a military operation to rescue the fifty-three hostages; along with many of his top aides, the President correctly characterized such a scheme as dangerous and harebrained. "Most people," said Carter on January 9, in a fairly typical comment, "who have studied the situation and who had looked at the map, who have seen where the embassy is located within Tehran, can see that a strike force or military action that might be oriented toward the release of the hostages would almost certainly end in failure and almost certainly end in the

death of the hostages."

Such sensible comments coming from such a dangerously inept President should have made us suspicious at once—and now we know that even as these words were rolling off his forked tongue, American soldiers were practicing precisely this sort of operation in desert areas of the Southwest. The lies continued until the very last minute; two days before the rescue attempt, Hamilton Jordan—who we suppose was not under the influence of any exotic substance at the time—told a White House staff meeting that a rescue "just wasn't feasible" and they should forget it. On the very day the airplanes flew into Iran, Zbigniew Brzezinski took a group of reporters to lunch and said military options wouldn't be considered until mid-summer at the earliest. Hours later came a fiasco to make Americans forget the bumbling "heroics" of the *Mayaguez* incident.

There was a good reason for all these lies, of course. The mission had to be kept secret—not so much from the Iranians as from the Americans, who might have been distressed that their President was risking a war over a stupid Mission Impossible stunt that hadn't a prayer of success and stood a terrific chance of getting a lot of people killed. (For that same reason, administration officials would not discuss the plan in detail with American journalists afterward even though Iranian authorities knew all about it, since they recovered copies of it in the helicopters that were abandoned in the desert.)

More surprising than Jimmy Carter's constitutional inability to tell the truth is his flagrant violation of the War Powers



Act of 1973, which requires him to consult with Congress before committing troops to combat. In 1977 Herbert J. Hansell, the State Department's legal adviser, told the Senate Foreign Relations Committee that the administration "intends to follow the letter and spirit" of the act. At least we know Carter is no more truthful with Congress than he is with the rest of us. (His claim that the rescue mission was "humanitarian" and therefore not covered is preposterous. If it was so humanitarian, why didn't he let the Red Cross run it?)

There are two explanations for Carter's behavior, not necessarily mutually exclusive. He could be completely detached from reality; and he could be a cold-blooded politician who concluded that the survival of 150 Americans—hostages and soldiers—was nothing compared to the survival of the Carter White House. Either way, it puzzles us that Cyrus Vance had to resign because of his opposition to a plan that took eight lives, jeopardized countless others, and accomplished nothing. A resignation was definitely called for—from the man who approved the plan. □

Inflation and interest in tandem

Mad money

AMID ALL THE DISBELIEF WHEN the prime interest rate reached 20 percent and the annualized figure for the rise in the consumer price index topped 18 percent, there is some confusion about how inflation and interest rates can simultaneously reach such dizzying heights.

Until the late 1950s—not very long ago—the saving grace of a credit crunch period, when interest rates soared to the heavens, was the accompanying drop in consumer prices. And yet, the double trouble of high prices and high interest rates is not really incomprehensible: A very simple explanation is that no one will lend money when he believes the currency he gets paid back will be worth less than its value when he lent it. If prices are rising at an 18 percent yearly rate, the rate charged by the lender would have to be two or three percentage points above that to induce him to part with his money.

But this simple answer is not the whole story, for the relationship between high interest rates and inflation is com-

plex. More particularly, while both have the same causes, the links between cause and effect are in each case different.

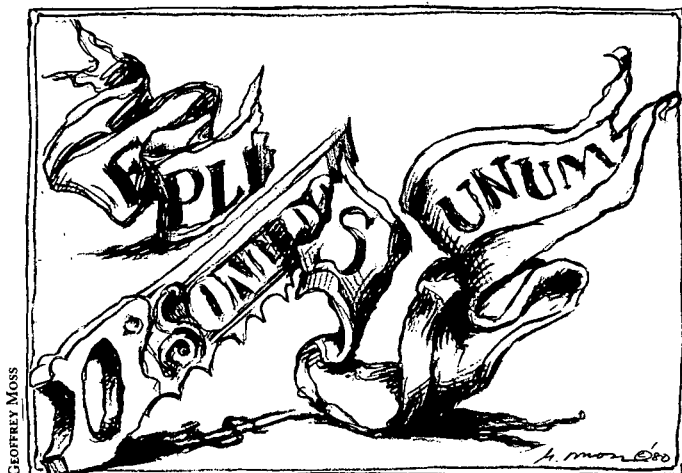
Let's get first to the underlying problem: inflation. This is caused by printing unbacked paper money. In today's economy, however, newly created money is injected into the economy through the banking system. The Federal Reserve buys assets, usually government assets, on the open market and pays for them with a check drawn upon a deposit that it has simply created out of nothing. The banks take this new money and pyramid upon it six- or sevenfold, depending on what the current reserve requirements are. As this new money works its way through the economy, prices are gradually bid up. But this process takes time; there is a lag between the creation of the money and the price-raising effects of that inflation of the money supply.

During this initial period of money creation, interest rates usually fall, in real terms, as the new money in the banking system is loaned out, because the increase in the supply of lendable funds makes the price of lending those funds, the interest rate, decline. This in turn causes business and consumers to borrow more than they otherwise would and to invest in projects they really can't afford. They don't realize they can't afford them, though, until the price-raising effects of the previous monetary inflation are felt. Faced with increased costs for everything, these private borrowers are in a bind: They must cut back their spending and rearrange their affairs to reflect the fact that the enticing interest rate that caused them to borrow wildly was artificially low. A period of monetary expansion is obviously not a one-shot deal: Such things come in cycles. The years 1971 to 1973 were expansionary, 1974 to mid-1975 were contractionary; the years since then, until just last October, saw the greatest concerted money creation in the postwar era.

When the government decides that it would be courting outright runaway inflation to continue to expand the money supply, it lessens the rate of increase of that expansion. Private sector borrowers, faced with a falloff in available loans, begin to scramble for what funds there are. This bids the interest rate up. And corporations attempt to raise the short-term cash they need, to keep their uneconomic investments afloat, by selling long-term bonds. This deluge of bond offerings naturally brings the price of bonds down and sends their yields, or the interest rate on them, up.

But concurrent with these developments and just starting to affect them is the fact that price inflation is now particularly virulent, the bad effect of years of money inflation. Investors, seeing prices rise at record levels, abandon any fixed-rate, income-producing vehicle such as bonds, which obviously do not keep up with inflation. It is precisely this phenomenon that caused the recent catastrophe in the bond markets, and caused them to lose an estimated half-trillion dollars, on paper, between October and mid-April.

So what we've been seeing these past few months could have been predicted: a mad scramble for funds both on the part of businesses that need them to sustain or offset bad investments, and on the part of the consumers who, seeing price inflation wreak havoc throughout the economy, develop acute inflationary expectations and borrow with the view that inflation will continue and that therefore they will be paying off their loans in cheaper dollars. This is fine, but if the monetary authorities decide to reduce the rate of inflation, as they did twice in the seventies, then private borrowers are faced with severe cutbacks in their financial position. So monetary inflation and inflationary expectations are the root causes of high price inflation and interest rates.



4
GEOFFREY MOSS

But the stages between the causes and their effects are not so clear-cut. What happens after the period when interest and inflation are both skyrocketing? Interest rates react first, and faster. When they reach the “threshold of pain” level, at which almost no private borrowing goes on, rates usually drop quickly. (Indeed, short-term rates, which are usually precursors of general trends, have been plummeting since the end of March.) During each of the seven postwar recessions, that level has risen successively higher. Last time around, in 1974, the prime rate hit 12 percent, which was presumably unheard of. At that level, borrowing ground to a halt, and six months later the prime was 8 percent. When the prime rate hit 20 percent in March of 1980, it may well have reached this fatal threshold.

Price inflation, to repeat, is the result of the earlier period of high money inflation. And the subjective fears of runaway inflation are usually most acute at precisely the time when the monetary authorities are beginning to tighten up. We will in fact see price inflation moderate by year’s end.

It is instructive to recall briefly the last period of a credit crunch, in the summer of 1974; the prime rate had soared from 9 percent in March to 12 percent in July. During that August, the annualized rate of increase in the consumer price index reached 15.4 percent. Both these events set off screams like those we’re hearing now. By January of 1975, the yearly rise in the CPI was 8.5 percent and the prime was 8 percent. And during the second quarter of that year, the CPI was only 5 percent, and the prime was down to 7 percent.

Far from being opposites, then, high interest rates and high inflation, having the same roots in monetary inflation, tend to rise and fall together. But the reason that most of us grew up thinking they were opposites was that when the government decided to cut back on its profligate levels of money creation it used to actually deflate, reducing the money supply in absolute, not only relative terms. Consequently the high interest rates, bankruptcies, and unemployment of the recession were at least tempered by a falling price level. The best we can expect this time around, though, is that the current 18 to 20 percent yearly price inflation will moderate to perhaps 8 to 10 percent. Unfortunately, however, the bad effects of a recession will not be likewise moderated. □

Voting with their feet

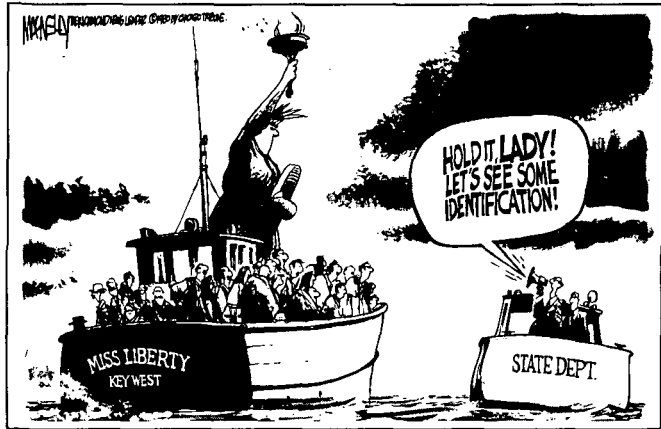
Cuba libre

RADIO HAVANA DENOUNCED THEM AS “delinquents, homosexuals, gangsters, vagrants, and parasites,” but the ten thousand refugees on the Peruvian embassy grounds weren’t troubled by these epithets. They had more practical problems like where to sleep and what to eat. The Peruvians couldn’t feed them because to buy food in Cuba you need ration tickets. When the Cuban government delivered food, at first anti-Castro militants defiantly hurled it back over the compound fence. Eventually the refugees were eating stray cats and dogs, begging for fish bones from each other to make soup, and consuming the embassy’s papaya tree, root and branch.

Meanwhile in Miami thousands marched in the streets in

support of the refugees, and tons of food and clothing and tens of thousands of dollars were collected to help them. Then as the air shuttle for refugees broke down amid diplomatic bickering, Miami’s Cuban-Americans raised additional tens of thousands in funds and risked lives and boats in stormy seas to aid those seeking to escape to freedom.

The immense numbers of Cubans seeking to leave were dramatic testimony to conditions on the island. If one may quote Lenin in this context, the refugees were “voting with their feet.” Typical complaints were that the economy was depressed, that there were few opportunities for young people, and that politics pervaded every aspect of life, leaving no room for privacy or autonomy.



Cuba’s social system is deemed by some to be progressive, but it is a system built around rank and status. Splendid privileges are granted, in the words of *Le Monde*’s Marcel Niedergang, to “civil servants, high-ranking officials, members of the Party apparatus, technical experts, doctors, to all in short who belong to the ‘new’ class which dares not breathe its name.”

Originally the plan of Castro and Che Guevara had been to run the economy on slogans, medals for Stakhanovite heroes of labor, and obligatory work weekends. The result: a complete breakdown of the economy—and the imposition of rationing on food, healthcare items, and virtually all consumer goods, even tobacco. The *New York Times* notes Cuba is poorer now than before Castro’s 1959 revolution. To reconstruct the economy after this debacle, the Cuban government is turning to “parallel markets” for many goods and giving permission for professionals to sell their services after hours. Such recognition of the prosaic laws of economics is, of course, necessary. But this change has undermined the revolutionary élan of the regime and induced it to turn to military action in Africa as a way of hanging on to political legitimacy and maintaining public enthusiasm. The new order, which has military men in many key positions, is aptly described by historian Hugh Thomas as “the communism of the war god Mars.”

The American government—apparently deciding to see if it could at least partially rival the Cubans in the practice of tyrannical ineptitude—has responded to the refugee exodus by denouncing those helping the refugees to escape by boat. “Private American citizens are substituting their own judgment on who should be allowed into this country for the judgment of Congress,” announced a State Department spokesman with callous self-importance. Threatening refugee-runners with \$2000 fines, five-year prison sentences, and confiscation of their boats is certainly a despicable way to respond to this human tragedy. As the mayor of Miami put it, we should let them in or we should tear down the Statue of Liberty. □

MICHAEL KILIAN

Snowed under by the FTC

THE PARALYZING BLIZZARDS that struck Chicago in January of 1979 had dramatic political consequences. One was the surprising and now widely regretted election of Mayor Jane Byrne. Another was less ballyhooed but possibly more important. It began with a computer malfunction and ended with one businessman waging a crusade against the most powerful regulatory agency in the vast federal bureaucracy, the Federal Trade Commission.

His name is Joseph Sugarman. His firm—JS&A Group, Inc., of Northbrook Illinois—is a highly successful mail-order company specializing in computerized electrical products. The firm is familiar to anyone who reads the ads in airline passenger magazines. What started as a serious but manageable business crisis for Sugarman has become a Kafkaesque nightmare of bureaucratic misbehavior.

Because of the huge January snowfall and JS&A's somewhat remote location in one of Chicago's outlying-suburbs, about half of Sugarman's sixty employees were unable to get to work for many days that month. Worse, the one computer he had in operation broke down. The result, naturally, was a backlog of unfilled orders. Finally the snow stopped, the computer system was restored, and the merchandise began moving out again—but some customers had to wait more than a month for their orders.

A few weeks later, Sugarman was informed by the FTC's Chicago office that his company was under investigation for violation of an FTC rule requiring mail-order firms to notify customers who pay

by check if their orders will not be filled within thirty days, to tell them they have the right to cancel. And, although no official FTC complaint had been filed and the matter was still technically under investigation, the agency was seeking a \$100,000 fine.

Sugarman acknowledged many violations, entirely accidental, during the January storms. What enraged him was the size of the fine, an amount rarely demanded by the FTC and then only for the most egregious transgressions. Sugarman could find no record of any Chicago firm ever having been assessed that much before. But what bothered him even more was the pejorative connotation of so large a fine. What was at stake was his company's reputation.

So, instead of paying the fine, he decided to fight back and protect his company's image by attacking the FTC with the only weapon available to him—advertising. Sugarman has since taken out ads in the *Wall Street Journal*, the *Washington Post*, the *New York Times*, *Popular Mechanics*, and more than two dozen other publications. They explain his side of the case and charge the FTC with abuse of power. The ads have already cost him more than the amount of the proposed fine.

Because he was in violation of FTC rules, it is unlikely that his efforts will free him from the clutches of the FTC; he might even end up in more serious trouble. But Sugarman will certainly have made his point, at a time when both houses of Congress are advancing legislation to curb the powers of the FTC because of other abuses. Sugarman may accomplish more than he might originally have dreamed possible—more than any major corporation might have dreamed possible.

BY FTC STANDARDS, SUGARMAN is no archfiend. He is certainly not one of those fly-by-night purveyors of overpriced junk who advertise in sleazy magazines yet seldom come in for the rough treatment Sugarman has received. He makes the point that not one of his customers has ever lost a penny.

Now 41, he is widely regarded as an advertising genius and the king of his field. He was successful at advertising from the very start—as a student at the University of Miami in Coral Gables, Florida. He wrote an ad for a local restaurant that soon had the place jammed with students. By the end of his college days he had acquired ten different accounts.

Drafted in 1961, he served in the army and then with the CIA before drifting back into advertising. He got into direct mail in 1971 when someone told him that it would be impossible to market a \$240 pocket calculator, and he tried to do it. His first attempt failed, but the second was successful. Within three months, he had made a \$600,000 profit—on an original investment of \$12,000. Sugarman expanded his field, eventually marketing a fifty-two-page catalogue of electrical gadgets ranging from computerized bathroom scales to home blood pressure testing machines. His firm's sales rocketed to \$50 million a year, and in 1978 he was honored as Direct Marketing Man of the Year. The award hangs on his office wall next to a diploma certifying that he completed kindergarten at Chicago's Hibbard Elementary School.

Sugarman believes his prominence as the famous marketer of "products that think" made him an attractive target for the Chicago office of the FTC, which he charges was "trying to get some big scores" to improve its standing with Washington. He says he cooperated with the FTC in every way from the very beginning, when FTC investigator Thomas Westhoff appeared at his office a few weeks after the January blizzards.

"My staff told him that we did have computer problems but that things were now under control, and we were slowly getting back to normal," Sugarman noted in a forty-three-page booklet he wrote about the case. "We also told him that there were 3166 customers whose orders were stuck in our computer and that many of these orders could be check orders (which require notices of delay).

"He asked for warranties and procedures and my staff complied. He asked for our typical delay notices and we gave him some. A short time later, I was advised that we had violated the thirty-day rule and we should pay \$100,000. I couldn't believe it."

He said he had his staff meet with Westhoff again and explain all of their service procedures, making clear that the January backlog was an isolated incident and showing that in seven years JS&A had established a reputation as an honest, reliable company. Earl Lind, who heads the Chicago Better Business Bureau, goes along with this.

"I personally showed Westhoff documents proving the tremendous effort we had made to get our computer running and how we had paid out over \$140,000 to do that," Sugarman said. "Westhoff just sat there and nodded his head. Fin-

MICHAEL KILIAN, author of Who Runs Chicago? published by St. Martin's Press in 1979, is a Washington columnist for the Chicago Tribune.

ally, when it came time to leave, I asked Westhoff if he had a different outlook on JS&A. He then told me that I had still violated the rule and that I was still subject to the fine. At this point, I realized we were dealing with something that required some guidance from our attorneys. I called them in and explained the situation." (It is worth noting that what Sugarman and most other firms are accused of violating are not

around the clock for one and a half years to produce the documents they requested from our microfilm system. They wanted every document imaginable, from my personal tax return to the status of every order we had processed since the FTC rule went into effect in 1976."

The subpoena constituted not only a burden but a danger, for the documents demanded included his mailing list of

whether the case is important for the whole industry. Of course, we must also determine how much staff time and effort we can put into one case rather than others that may be just as urgent.

Seizing upon that last sentence, Sugarman asked if it would really be worth it to the taxpayers to spend the thousands if not millions of dollars it would take to fight a long case against JS&A, "a company that didn't cheat the consumer out of a single penny." He said Turley replied that the FTC was simply enforcing a trade regulation, and that it had already committed itself in Sugarman's case. According to Sugarman, Turley did say that the fine could be further negotiated, pending the results of the FTC investigation, if Sugarman would agree to a minimum fine of \$10,000 and then work from there. Sugarman agreed.

Sugarman said the investigation turned up some 300 complaints—out of 800,000 transactions since the company was formed in 1971. Of these, he said, 225 were related to the January blizzard and the computer breakdown backlog. For the entire eight preceding years of doing business, there were only 75.

In his forty-three-page booklet entitled, in a rather blood-curdling allusion to government coercion, "Blow Your Kneecaps Off," Sugarman cited the kind of complaint he considered typical:

On March 8, 1978, I ordered a Canon P10-D calculator in response to an ad in the *Wall Street Journal*. When more than a month passed and I had no calculator and no word of explanation from you, I had to go to the trouble and expense of writing your company to find out why I didn't receive my calculator. Some weeks later I received a printed form telling me that in effect I should shut up and wait. Meanwhile you had the use of my (and countless others') \$92.45 for nearly two months.

In retrospect I wish I had at that time written to the FTC instead of merely adding your firm to the list of firms I will not again do business with. Perhaps if enough of us had done this a year earlier we might have saved a lot of trouble for your "blizzard" customers.

Sugarman said review of JS&A's records showed that it had received the letter-writer's check on March 17, 1978, and had shipped his merchandise on April 10, in compliance with the FTC mail-order rule. He blamed the delay on the mails.

Of twelve complaints pursued by investigator Westhoff on one typical day, Sugarman noted:

"One customer ordered a product but moved to Guam. We couldn't locate his order when he wrote us, and when we finally figured out what had happened, we refunded his money. One problem was caused by a human error of one of

The FTC subpoenaed 600,000 documents; it would take JS&A a year and a half to comply.

laws passed by Congress, but rules promulgated by the FTC itself. And the agency's staff can and does move against companies for what it believes to be violations without ever involving the FTC commissioners.)

UNDER FTC RULES AND procedures, the amount of a fine and even the character of charges can be negotiated downward in a process similar to "copping a plea" in criminal trials, when a defendant agrees to plead guilty to a lesser charge in return for a lighter sentence. With the FTC, this process need not even involve acknowledgement of guilt. A company can (and many do) merely sign a "consent agreement" by which it agrees to the penalty settled upon and states its understanding of the law and the penalties that future violations might incur.

Sugarman's attorneys met with Westhoff and his superior, Wayne Lewis, to negotiate such a settlement, with the FTC offering to reduce the fine to \$90,000. According to Sugarman, the FTC staffers threatened to hit JS&A with a snowstorm of subpoenas if the company didn't cooperate. They also hinted darkly at other possible JS&A violations that could be investigated.

Observing that it could take his small staff months to provide all the material that might be subpoenaed, Sugarman's attorneys offered to pay up to \$90,000 to any customers who suffered damage because of the delay. A few days later the FTC rejected that offer.

"We were then served with a massive subpoena requesting over 600,000 documents, most of which were stored on our microfilm system," he said. "The request would require JS&A to work

customers—a mail-order firm's chief asset. If a competitor were to gain access to these records by exploiting the federal Freedom of Information Act, JS&A could be severely damaged. Information filed with the FTC by such large firms as the Coca-Cola Bottling Company of New York and Control Data Corporation had become public.

Sugarman appealed to the FTC in Washington to have the scope of the subpoena reduced. It was—by about 10 percent. He still had to provide more than half a million documents. He also asked for a guarantee of absolute confidentiality to protect his business. This, he said, he was unable to obtain. Although JS&A willingly turned over some of the material called for, Sugarman refused to risk his company's future. He decided he would fight. His first anti-FTC ad ran early last November.

Sugarman also met with Paul Turley, regional director of the FTC, complaining he had been unfairly persecuted. He contended that companies that had actually cheated customers had been treated much more gently by the FTC. He read a form letter that the FTC had sent to a customer who had complained of being defrauded by another mail-order firm, citing it as evidence of how lightly the FTC took many cases more serious than his own:

Thank you for your recent letter about the trouble you're having with a mail order from [a particular company]. We're happy to have that information.

As you know, we are the federal agency that looks for unfair or illegal business practices. We can do something only if it is in the interest of the general public to do so.

It really depends on how widespread the practice is, how many consumers are hurt, how much harm is done, how much evidence we have, and

our employees, but it was discovered and corrected. One package was lost, and UPS [United Parcel Service] couldn't prove delivery. In one case, we had no record of the transaction but gave a customer a refund anyway, taking his word for it."

One violation cited by the FTC involved a package shipped after thirty-two days—two days later than permissible without a delay notice. Probably the most damaging thing the investigation uncovered was that JS&A could not prove that it ever sent out delay notices or that it had even established procedures for doing so. Sugarman insists that such procedures existed and were followed, and cites letters from customers as evidence.

NEGOTIATIONS RESUMED, with Sugarman citing examples of companies involved in more serious infractions that received much softer penalties: One leather goods company charged with the same violation was fined only \$15,000, he said, and the largest fine ever assessed for this kind of violation was said to be \$85,000, levied against a book club many times the size of JS&A. All the argument was to no avail—the FTC wouldn't budge.

Sugarman has met with several FTC officials to tell his side of the case, but none of the commissioners will discuss it with him since it is they who will be sitting in judgment if the FTC staff de-

Sugarman figures FTC staffers tripled their efforts to get him after the publicity began.

agency official, in a letter to Representative James Scheuer (D-N.Y.), did confirm the general outlines of Sugarman's story. Another official close to the case insisted that the FTC had been investigating JS&A long before the 1979 blizzard problems. The official insisted that this was not merely a fishing expedition, but anyway, "What's wrong with catching fish? The IRS does the same thing."

Some government officials say the JS&A case could be settled "in a day," but that's not likely, because Sugarman doesn't intend to capitulate. An intense, erudite man with a beard that makes him vaguely resemble a youthful Haile Selassie, Sugarman seems harried and even a bit paranoid as a result of his encounter with the FTC, but no less resolute than the day he started his advertising campaign.

"I sat back and said to myself, 'Am I guilty? What did I do wrong?'" he recounts. "I didn't think I had [done any-

year or more. It's very doubtful that Sugarman will emerge unscathed. He may well end up spending several hundred thousand dollars—for his ads, his ultimate penalty, and his legal fees.

But he has struck a blow in retribution. His advertisements have urged readers to write their congressmen about the FTC, and they've been doing so. Pending legislation to reduce the scope of the FTC's jurisdiction probably will not be passed and would doubtless be vetoed. But a bill that would give the Congress an easy mechanism for overruling the FTC is quite likely to emerge.

JOSEPH SUGARMAN'S CRUSADE may not establish that the FTC in fact abused its power. But his campaign has made public and clear the enormous potential the FTC and similar government agencies have for doing so. Matters are indeed investigated and penalties assessed without any formal judicial proceeding. The FTC can threaten huge fines—and thus ruin business reputations—before any guilt is proved. The mail-order rule carries a maximum penalty of \$10,000 a violation; conceivably, Sugarman could have been threatened with more than \$2 million in fines.

The FTC and many other regulatory agencies spawned by an imprudent Congress are able to function as a sort of government by God. Not only do FTC commissioners sit as judge and jury, FTC staff perform as police and prosecutor—and, in some important respects, as the chief witnesses.

Businesses—especially small ones like Sugarman's—have had to organize to maintain costly legal staffs and lobbyists in Washington, not to twist arms and plot the rape of the consumer, but merely to keep track of the myriad and confusing rules the FTC and its staff continue to concoct and implement—none of them submitted for approval to any elected representatives of the citizenry.

The people who pay for all this are the reputable companies that want to stay in business, not the hole-in-the-wall junk dealers who advertise X-ray glasses or Spanish fly—who are too tough to track down and prosecute. Says Sugarman: "Federal regulators tend to favor the weak companies, which they leave alone, and attack the stronger companies, in an effort, it seems, to gain publicity and power." Not everyone agrees, but in resolving Sugarman's case—with the Congress and so much of the public watching—the FTC may find itself as much on trial as JS&A. □



cides to press the case for adjudication. Sugarman has also complained to several representatives and to Illinois Senator Charles Percy, but there isn't much that legislators can do to help him because the FTC is acting within its statutory powers—and Sugarman has admitted that he broke the rules, however accidentally.

The FTC refuses to discuss Sugarman's case for the record, although one

thing wrong]. The ads were my way of communicating." He intends to continue the ads, even though he figures FTC staff members "tripled their efforts" to get him after the publicity began.

So Sugarman keeps buying ads. The JS&A staff keeps assembling documents to satisfy subpoenas. And the case rumbles toward a conclusion, which most likely will be a trial before the FTC commissioners. That could require another

THE THERAPEUTIC STATE

E. SCOTT ROYCE

Dealing with the 'unfit to breed'

THE WORD SOUNDS UNpleasantly out of place in modern America: *Sterilization*. It evokes dark images of prison camps and Teutonic doctors with glistening white smocks and icy eyes; or Montgomery Clift breaking down on the witness stand in *Judgment at Nuremberg*, sobbing as he tries to recount what the Nazi surgeons did to him for being "mentally defective." The right to bring forth children is so sacred to most Americans that we hardly even consider it; government interference would be unthinkable.

But in more than twenty states compulsory sterilization is not only thinkable, but doable. And since 1907, when Indiana passed the first law permitting surgery to prevent the "breeding of the unfit," at least 70,000 Americans have gone under the knife—against their will and in many cases without even knowing what the operation was for.

Even in states where the practice has been sharply curtailed the horror lingers on for the victims. In Virginia a recent spate of press coverage has focused public attention on 8300 residents who were sterilized between 1924 and 1974 on the dubious grounds that they were mental patients and might pass on "feeble-mindedness" to their offspring. Many, if not most, weren't feeble-minded at all; they were alcoholics, incorrigible children, prostitutes, unwed parents, or some other affront to public morality. As Virginia ACLU lobbyist Judy Goldberg notes, almost all were "poor" and "poorly educated," natural victims of a policy that raised serious questions about basic rights to liberty and procreation. Now they are organizing for a

lawsuit that will perhaps exact a measure of justice from the state of Virginia, and at the very least will force people to think about this unthinkable subject.

Most of America's involuntary sterilization laws can be attributed to the influence exercised early in this century by the eugenics movement. A cousin of Charles Darwin, Sir Francis Galton, originated the term in 1883 and sought to apply his relative's theories to the human race. The idea soon caught on, ultimately attracting favorable attention from a broad spectrum of Americans, including such notables as Alexander Graham Bell, Edwin L. Godkin, Margaret Sanger, and Theodore Roosevelt. Curious organizations like the Eugenics Record Office—established in 1910 with money provided by the wife of tycoon E. H. Harriman—issued reams of propaganda on the merits of the theory. One of the office's officials, Harry H. Laughlin, who billed himself as an "expert eugenics agent," declared as early as 1914 that "society must look upon germ plasm as belonging to society and not solely to the individual who carries it."

Of particular concern to eugenicists were so-called "mental defectives," whom many believed should not be permitted to continue to pass on their "inferior" genes. In upholding the Michigan sterilization statute, that state's supreme court declared that feeble-minded persons posed a "social and economic problem of grave importance." They were, it added, "a serious menace to society." By November 1926, some twenty-two states had enacted eugenic sterilization statutes to deal with the "problem."

The commonwealth of Virginia shared the growing national enthusiasm for eugenics. Dr. A. S. Priddy, Superintendent of the State Colony for Epileptics and the Feeble-Minded in Lynchburg, began conducting eugenic sterilizations in the early 1920s, but was forced to desist after one Richmond woman on whom an operation had been performed filed suit. Temporarily stalemated, Priddy persuaded the Virginia General Assembly to pass legislation in 1924 granting him the necessary legal authority.

Since several other states' courts had

declared involuntary sterilization measures to be unconstitutional, a test case seemed appropriate. The opportunity appeared in the person of Carrie Buck, whose mother Emma already resided involuntarily at the state colony—apparently because of alleged licentious conduct. "Such commitments," a recent issue of the Virginia ACLU newsletter notes, "were not uncommon then." The Charlottesville family for whom 18-year-old Carrie did housework asked that she be committed—primarily, it seems, because she was pregnant. The records of her admission to the state colony show that she was in good physical health, no danger to herself or others, could perform a "simple errand" and "understand language or a command," had progressed as far as sixth grade in school, suffered from no sensory defect, and could "talk distinctly." She was, however, accused of "peculiar actions" since birth and of having a feeble-minded mother.

CARRIE BUCK WAS COMMITTED in January 1924; in September, Priddy asked that she be sterilized. The reason cited was that due to the "laws of heredity" the woman would "in all probability, if permitted to bear children, transmit to her offspring some form of mental defectiveness. . . ." He added that "by reason of her anti-

When Doris was sterilized, officials told her that she was having an appendectomy.

social conduct and mental defectiveness, she is unfit to exercise the proper duties of motherhood." However, if sterilized, she "could leave the Colony and enjoy the liberty and blessings of outdoor life, become self-supporting, and thereby relieve the Commonwealth . . . of the burden of support of her under custodial care. . . ." The alternative, Priddy revealed, would be to keep Carrie "under custody . . . during the period of her child-bearing potentiality covering thirty years."

Carrie's court-appointed guardian appealed an unfavorable decision by colony directors to the Amherst County

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Circuit Court. Testimony in the case often raised more questions than it answered. One Red Cross social worker, for instance, stated that although she scarcely knew Carrie, she felt her to be a "distinct liability" to society. She added that Carrie's baby, Vivian, had "a look about it that is not quite normal, but just what it is, I can't tell." Harry H. Laughlin submitted a deposition in which he called the Buck family part of "the shiftless, ignorant, and worthless class of anti-social whites in the South." Dr. J. S. DeJarnette, Superintendent of Western State Hospital in Staunton and a longtime eugenicist, testified that society would benefit by the operation because Carrie could not produce "any more of that kind," which would help raise "the standard of intelligence. . . ." He also conceded that if Carrie had not become pregnant she would "in all probability" still be "at home working. . . ." Another witness commented, without providing specifics, that Carrie's baby seemed "below the average for a child of eight months of age."

The county judge upheld Priddy, as did the Virginia Supreme Court. Buck's attorney persisted, however, taking the case to the U.S. Supreme Court. In his brief he contended that the 1924 law was unconstitutional because it failed to "provide due process of law" and "denies to this plaintiff and other inmates of the State Colony . . . the equal protection of the laws and imposes a cruel and unusual punishment. . . ." The commonwealth cited Laughlin's judgment that Carrie was "a potential parent of socially inadequate or defective offspring." It contended, too, that the principle involved was similar to that of compulsory vaccination, which the High Court had previously approved.

In a short decision issued May 2, 1927, Justice Oliver Wendell Holmes upheld the Virginia statute. Holmes, himself an avid eugenicist who once wrote of his desire for "a virile race bred to greatness by science," observed:

We have seen more than once that the public welfare may call upon the best citizens for their lives. It would be strange if it could not call upon those who already sap the strength of the State for these lesser sacrifices . . . in order to prevent our being swamped with incompetence. It is better for all the world . . . [if] society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes. . . . Three generations of imbeciles are enough.

Only one of the other eight justices disagreed, and he filed no written dissent.

The basis for Priddy's charges seems

to have been, as a recent newsletter of the Virginia ACLU declared, "a fraud." The contention that the Buck family represented three generations of feeble-minded individuals is questionable, not only as to Emma and Carrie, but also as to the latter's daughter Vivian—whose teachers considered her "very bright" and who progressed into the third grade. Her education terminated not because of any mental impairment, but because she died of the measles at the age of seven. Following the Supreme Court decision, Priddy proceeded to have the operation performed on Carrie and, later, her half-sister Doris. Thousands of others fell victim to the scalpel in suc-

The Virginia case was cited at Nuremberg in an attempt to justify Nazi policies.

ceeding decades. Now in her seventies, Carrie lives in poverty with her husband Charles Detamore in rural Albermarle County, Virginia. Doris, 67, resides under somewhat similar circumstances in Warren County with her husband of nearly forty years, Matthew Figgins.

Perhaps the most distressing part of the Buck family story is that at the time of her operation, officials informed Doris that an appendectomy was being performed. Only fifty-one years later, when the director of the Lynchburg facility accidentally located her, did she discover that she had been sterilized. Neither she, her husband, nor several physicians they consulted could understand during the interim why she was unable to have children. "The one thing these people wanted was kids," Virginia ACLU director Chan Kendrick explains. Many other victims he recently interviewed had had severe marital difficulties because of the question and eventually got divorces.

The whole program seems furthermore to have been based upon faulty scientific premises. Modern genetic research indicates that most mental illness and retardation are not inherited, and that virtually every individual carries some "abnormal" genes. Studies show that when only one partner in a couple is retarded, the chances of having "nor-

mal" children are almost 90 percent. In addition, few experts today deny that mentally retarded persons often make excellent parents. In other words, thousands of Americans nationwide lost their right to reproduce because of governmental implementation of a half-baked theory.

At the conclusion of his Supreme Court brief, Buck's attorney, I. P. Whitehead, provided a prescient analysis of the dangers inherent in the state statute:

If the Virginia Act . . . under consideration is held to be a valid enactment, then the limits of the power of the state (which in the end is nothing more than the faction in control of the government) to rid itself of those citizens deemed undesirable according to its standards by means of surgical sterilization have not been set. . . . A reign of doctors will be inaugurated and in the name of science . . . even races may be brought within the scope of such a regulation and the worst forms of tyranny practiced.

This grim prediction came true sooner than Whitehead could possibly have anticipated—in Europe. In 1933 the new Nazi regime approved a sterilization act, apparently based in part on a model statute once prepared by Laughlin. Three years later the University of Heidelberg, where much of the Third Reich's race control research was conducted, awarded Laughlin an honorary Ph.D. in medicine for his eugenics work.

FOR SEVERAL YEARS, American eugenicists hailed the actions of the Nazi state. DeJarnette, arguing for a broadening of Virginia's sterilization law in 1934, remarked: "The Germans are beating us at our own game and are more progressive than we are." Others praised the Hitler government for implementing "a policy that will accord with the best of the thought of eugenicists in all civilized countries" and for "weeding out the worst strains of the Germanic stock in a scientific and truly humanitarian way."

In the name of what Nazi Minister of the Interior Wilhelm Frick called "racial hygiene," as many as two million persons were sterilized. Among them were Jews, the retarded, epileptics, criminals, gays, the handicapped, and political dissidents. The influence of the American eugenics movement on the genocidal regime was reemphasized when, during the Nuremberg trials, the defense cited the *Buck* case in attempting to justify German policies. Such facts make clear the uncomfortably thin line between the horrors of World War II Europe and the dreams of some American eugenicists. A perfect example is Laughlin's sugges-

tion, in 1914, that up to 10 percent of the U.S. population was composed of “socially inadequate biological varieties” deserving sterilization.

In 1972, the Virginia Board of Mental Health and Mental Retardation ordered a halt to involuntary sterilizations in public institutions, but the exact date remains in doubt. A state report contends that no sterilizations were performed after 1972, but Eastern State Hospital in Williamsburg apparently performed four such operations in January 1973. Also unclear is the precise number of Virginians subjected to eugenic medical attention. As state representative Frank Slayton notes, records at the six state institutions involved “are so inadequate I don’t think they know how many there were. . . .” The media figure of 8300 remains the best available estimate.

Half a century after its enactment, Virginia’s old sterilization statute was stricken from the books by the General Assembly, but legislation adopted in 1974 to replace it, some critics contend, is almost as bad. The Virginia ACLU, for instance, points out that the only major difference between the 1924 and 1974 acts is “that the new law requires a court order for forced sterilization.” Such approval, it adds, remains “relatively easy to get.” (The state, however, no longer seeks sterilizations; now such operations are instigated only by relatives and guardians.) A separate section of the Virginia Code eliminates both civil and criminal liability for doctors who perform any “surgical sexual sterilization procedure upon any person who has been adjudicated legally incompetent. . . .”

The first serious analysis of the Virginia program appeared in a series of articles in the *Richmond Times-Dispatch* beginning February 23. Reactions by state leaders to the newspaper’s revelations ranged from horror to apparent resentment that the issue had even been raised. State representative Frank Slayton, a Democrat, called the “philosophy behind that practice” reminiscent of “Hitler’s theory of a superior race. . . .” State Senate Majority Leader Hunter Andrews branded the press stories “shocking.” But when one member of the Board of Mental Health and Mental Retardation asked, “Why dredge up history?” some state legislators apparently agreed. Senator Douglas Wilder of Richmond, one of the Assembly’s few black members, responded: “This was going on up until 1972. We’re not talking about a hundred years ago.”

Two days after the initial press coverage, Democrat Joseph Gartlan obtained State Senate permission to waive the deadline for submission of bills in order to introduce legislation on the subject. Cosponsored by Slayton, his measure would have eliminated the legal immunity of physicians who sterilize patients for the alleged good of society. The Senate Education and Health Committee swiftly approved the proposals with only minor changes. However, because the bill’s language raised legal problems, Gartlan withdrew it shortly before the Assembly adjourned for the year. Prior to the next session in January, Gartlan says, state legislative committees will fully study the issue, and action on some version of his bill is expected next year.

THE VIRGINIA ACLU FEELS that much more needs to be done, however. Shortly after the story broke, the group convened a panel of legal experts to consider whether litigation should be initiated. It also requested that the state notify all persons sterilized under the program and issued a press release urging patients subjected to treatment without their prior knowledge or consent to get in touch.

As of mid-April more than twenty had done so—one of them operated upon as recently as 1967. Most have been interviewed, among them Doris Buck Figgins, who, Goldberg suggests, is the most likely candidate for plaintiff in litigation against the Commonwealth. Although whether the ACLU legal action will be in the form of an individual damage suit, class action, or mandatory notification petition has “not yet been decided,” Goldberg says, “some case is definitely going to be filed.” Potential difficulties include such legal technicalities as the likely “good faith” defense by the state and sovereign immunity.

The state seems disinclined even to inform former patients about the true nature of the medical action some were unknowingly forced to undergo. Notification might bring forth additional information regarding denial of real due process; it might also disclose whether patients were subjected to other involuntary operations like lobotomies. It would doubtless also add to public understanding of abuses—past and present—of individuals involuntarily committed for “mental health” reasons. Many persons are under the “misapprehension,” Goldberg notes, “that most of these people were retarded.” In fact, the “major qualification for being sterilized seems to have been being very

poor” or having parents who “couldn’t control you.” And as a Richmond doctor, Kenneth Olshansky, pointed out in a letter to the *Times-Dispatch*, patients who were deceived regarding their operation not only deserve to know why they are childless, but in “many medical emergencies” inaccurate knowledge about whether one has had an appendectomy may contribute to serious diagnostic error.

The sort of thinking that made the Virginia sterilization law and similar ones acceptable for so long unfortunately remains popular in some quarters today. One letter to the *Times-Dispatch* denounced “do-gooders” for trying to repeal the 1974 statute and questioned whether society must “helplessly continue” to support children of the retarded. And in Texas Hilmar Moore, chairman of the state Board of Human Resources, remarked in early March that welfare recipients ought to be sterilized. “When you cannot support yourself or your family,” Moore commented, “you give up certain rights. One of those is the right to bring in more children.” Despite negative reaction from state political figures, Moore contends that public response to his statement was favorable by an 11-to-1 margin. “I haven’t changed my mind any,” he says.

According to an attorney with the Washington-based Mental Health Law Project, more than twenty states still authorize involuntary sterilization. Their laws, however, vary considerably. Some, like the Maine statute, are reasonably protective of mental patients’ rights. “Only a handful,” the lawyer noted, are as bad as that of Virginia, which he branded “one of the most conservative, most reactionary” such laws in the country. A few states prohibit such operations; the legal codes of the rest ignore the matter. Questionable sterilizations continue, Judy Goldberg observes, with many of the operations paid for by federal tax dollars in spite of strict guidelines issued in 1978 by HEW. The pressure has only shifted from state hospitals to the welfare bureaucracy.

Carrie Buck Detamore said earlier this year that she holds “no grudges” for what happened to her in 1927. She added, however, that “on this operation they done me wrong. They done us all wrong.” Her statement sums up the grievances of thousands of Americans against such flagrantly immoral policies. It remains to be seen whether the Commonwealth of Virginia—and the nation—will act to see that such abuses are not repeated. □

Rent controls haven't worked in New York, unless you consider the destruction of the city's housing supply a good thing. They haven't worked in England, where an apartment is virtually impossible to come by these days. California politicians admit all this—even as they clamp on controls of their own.

THE NEW YORK DISEASE



SENATOR PROXMIRE OPPOSES them. So do Barry Goldwater and Eugene McCarthy. Patricia Harris gives impassioned speeches against them. So does Ronald Reagan. Los Angeles Mayor Tom Bradley, San Francisco Mayor Dianne Feinstein, California Governor Jerry Brown—all say they are philosophically opposed.

But if you are running for office in the Golden State you had better not be running against rent controls.

Outside of Jane Fonda's coterie, it's hard to find a public figure in California who "philosophically" favors controls. Yet politicians sprint from one press conference to another across the state mouthing procontrol platitudes about the greed of landlords, the acquisitiveness of capitalists, and the multiple failures of Proposition 13.

Rent control has proven a boon to out-of-work political organizers all across the rest of the nation as well. "The New York disease," as *Time* magazine dubbed it, has spread not only to Los Angeles, Santa Monica, Berkeley, San Francisco, Davis, and Beverly Hills, but to Washington, D.C.; Montgomery County, Maryland; Boston, Brookline, and Cambridge, Massachusetts; and a number of small towns in New Jersey. In Miami the retirement community clamors for controls. The legislatures in at least half a dozen states have bills pending for statewide ordinances.

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The push is uninhibited by the catastrophic shrinkage in New York's housing supply after the city's thirty-year-plus experiment with controls. Today's two-tiered system in New York (rent "control" and rent "stabilization," the latter simply a slightly more liberal version of the former) has produced disastrous results—good intentions notwithstanding. Two thousand apartment units a year are built in the city to replace the 30,000 units that controls force owners to abandon. Although about 1,275,000 units are subject to regulation, a U.S. Census Bureau survey of New York City found that "apartment rents generally rose more than three times as fast as tenant incomes between 1970 and 1975." Half the city's tenants paid more than the recommended 25 percent of their income for rent; more than 400,000 households paid at least 35 percent. The burden falls most heavily on minorities and the elderly. The report pegged New York City's overall rental vacancy rate at a tight 2.8 percent, which—according to tenant leaders—indicates a severe shortage of decent, moderately priced housing. (Amazingly, these same tenant leaders cite this survey as evidence of the need to retain rent control.)

Around the rest of the country the New York controls are regarded as a flop. There is an airy feeling, however, that their failure has more to do with New York City than with rent controls per se. Things will turn out differently under the new Los Angeles rent control ordinance, advocates claim. Take L.A. City Councilman Ernani Bernardi:

Question: Won't rent control in Los Angeles trigger a destruction of affordable housing as it did in New York City?

Bernardi: This is always the argument. Our ordinance is in

By THOMAS W. HAZLETT



HEADS WEST

no way compared to New York City's. Our ordinance—even if the decontrol provision [for vacated apartments] were not in there—will permit a reasonable increase [7 percent a year]. I don't object, if the Consumer Price Index goes up, to increase their rent to compensate for that [or] to compensate for improvements. So you're talking about a different world when you compare the rent program [we have] and the rent program they have in New York.

Question: They have two levels of control there. One is rent control and the other is rent stabilization. Isn't L.A.'s ordinance similar to New York's rent stabilization program?

Bernardi: I don't know what their rent stabilization program is but I don't know why we need to emulate anything that's in New York City.

Rent control has become so popular that its opponents sometimes try to pretend that they're for it even when they're trying to destroy it. The California ballot on June 3 will feature Proposition 10, a landlord-sponsored measure to repeal rent-control ordinances in all localities where control was imposed by a governing body, as in Los Angeles, rather than by referendum, as in Santa Monica, and to limit some of its more confiscatory aspects. Unfortunately, the pro-10 campaign has been embarrassingly dominated by questionable advertising—as when proponents offer it as a “fair rents” initiative to promote government control of rents. (The coalition behind this proposition includes the Building Trades Council, the Mortgage Bankers Association, the California Building Industry Association, and the California Association of Realtors. Its foes include the Campaign for Economic Democracy.)

THE TALE OF HOW RENT CONTROL came to Los Angeles includes enough frustrating nuances for three or four Bergman films. Perhaps on no other issue are the craft of politics and the science of economics more at odds. As one procontrol California State Assemblyman is reported to have said, “I’m emphatically *against* rent control but I know which side my bread is buttered on.” You don’t need a Nobel Prize in political economy to figure out that tenant voters far outnumber landlords.

The current California rent control battle follows on the heels of another great class struggle, the Proposition 13 tax revolt of 1978. The two are not unconnected. In fact, the gods with their exquisite sense of irony have conspired to make Howard Jarvis the most valuable player in the rent control game.

Rent control was, of course, being pushed in Los Angeles before Jarvis emerged as the people's hero. But it never made it out of committee when placed before the city council in 1977 and 1978. The feeling then was that you simply had to expect rents to go up, along with everything else. In an age of inflation, rising rents were—all personal hardship aside—just the American Way. And in fact rents in Los Angeles increased at the rate of only 42 percent between 1973 and 1978, as compared to a 51 percent increase in the consumer price index. For the nation as a whole, rents rose only 71 percent between 1967 and 1979, against a general inflation rate of 107 percent. During 1979 rents rose nationally at an 8 percent

pace, far below the 14 percent inflation rate.

Then came Proposition 13. If the Jarvis-Gann amendment bailed out property-tax payers by cutting the overall tax bite 57 percent, it provided an even greater windfall for the stymied proponents of rent control. For in bagging the votes to put his measure over the top, Jarvis had traveled the state telling renter folks what he faithfully believed: Proposition 13 would produce instant savings for millions of California renters (a.k.a. voters). This promise made grown economists swoon and faint, but the old tax-smasher didn't lift an eyebrow.

As things turned out, rental rates did not drop on June 7, 1978, after Proposition 13 passed. The economists had finally gotten one right.

The reason is quite simple. Jarvis had anticipated that given a competitive market for rental housing, any decrease in costs would produce a decrease in rents. The problem was that, as Howard Jarvis should have known, supply and demand dictate the market price; and neither the conditions determining demand, nor those controlling supply, were affected in the first months following passage of the tax relief measure.

Jarvis wasn't completely wrong—just off by a few years. Lowering costs for apartment owners would raise their profits and cue developers to divert more resources to building more rental units. The additional supply will lower rents—but only when that additional supply comes on the market. If government were to lighten the regulatory burden on development, the lag time on major construction projects might be cut from four or five years to one or two; but even the most eager Jarvis backer must concede that such a time span cannot be reduced to zero.

Yet that is precisely what Jarvis was saying, implicitly, in the Proposition 13 campaign. He claimed to have gathered signed pledges from about one-fourth of Los Angeles-area landlords stating that they would put a voluntary six-month freeze on rent hikes. (Jarvis had proposed and aborted a Santa Claus scheme whereby landlords would rebate half of the upcoming December's rent.) The Housing Industry Task Force for Renter Relief actually dumped 500,000 landlord dollars into the campaign—far above the total statewide contributions to Proposition 13 itself—to hold the line on rents.

Politicians don't wait around for long-term solutions when quick fixes seem possible.

The state's largest landlord, Howard Ruby, put his 13,000 units on the line by voluntarily rolling back rents. Yet market forces easily overwhelmed these attempts at a holding action by a frightened and desperate industry.

When supply and demand continued to push rents upward even after Proposition 13 passed, new political forces entered the picture. June and July 1978 saw nightly news spotlights on desperate senior citizens. On July 17, the *Los Angeles Times* described a public hearing about rent:

Hundreds of people jammed into Fairfax Senior Citizens Center for the hearing, which was called by Councilman Zev Yaroslavsky and state Assemblyman Herschel Rosenthal (D-Los Angeles). Many people reported rent increases of \$15 to \$25 a month since the June 6 election. Several reported

increases of about \$50 a month.

Mrs. Jack Polotnick broke into tears when she told of being notified that her rent will go from \$135 to \$285 a month effective August 5. She said she was threatened with eviction if she complained about the increase.

Yaroslavsky said Sunday's public hearing would provide documentation of rent increases that have been "exorbitant and excessive," belying promises that landlords would pass on to tenants the windfall they received as a result of Proposition 13.

"The renter is the one class of citizen who had absolutely nothing to gain by the passage of Proposition 13," Yaroslavsky said.

POLITICIANS AREN'T ACCUSED to waiting for long-term solutions when a quick fix seems possible. By October 1, 1978, the city of Los Angeles was rent-controlled. The ordinance rolled rents back to their May 31 level and imposed a six-month freeze. (These "temporary" controls, thanks to regular extensions, have still not expired.) The excuse for the change of policy was "rent gouging." Mayor Bradley signed the measure "reluctantly," saying that "rent controls are something I do not want," but that "the failure of apartment owners to communicate with tenants regarding the fiscal impact of Proposition 13 . . . and the action by some to further increase their profit margins by escalating rents are examples of the kind of abuse that has led us to take public action."

Councilman Bernardi, who had led the opposition in previous rent control battles and who had been one of a handful of elected officials to support Jarvis-Gann, put it another way: "I made a big switch," he told the *Los Angeles Times*. "But I had warned apartment owners that tenants are entitled to the same Proposition 13 benefits as everyone else." This became the critical issue: how to pass along the tax cut. But owners of apartment houses in California failed as spectacularly as the rent stabilization commissioners in New York in their efforts to veto the law of supply and demand.

The argument that profit margins for apartment house owners should remain constant is, of course, nonsensical. The opportunity for higher profits that comes when demand conditions induce investors to build is what creates new apartments and so satisfies consumer needs. Reduced profit margins do just the reverse, signaling builders to cut back. That this matter of profit margins can be a two-way street was shown by the sizable overbuilding in Los Angeles during much of the sixties and early seventies. Tenants had to be lured with various incentives, including offers of as much as three to six months free rent as a "move-in allowance." Setting price floors then would have been as ridiculous economically as establishing price ceilings now.

The most logical, realistic way to help the state's renters, voting them a tax cut, has gained very little ground in the legislature. After Proposition 13, the renter's tax credit of \$37 per year was nearly doubled, but the budget surplus was so formidable that it would have permitted a renter's credit of two or three hundred dollars. Tax credits, by not depriving tenants of their earnings, allow renters to spend the money as they prefer—including a different apartment; with rent control, tenants must take their 'subsidy' in the form of lower rents. The former lets tenants decide on their own priorities and encourages them to seek the most economical rental housing. Tax credits would increase rather than diminish the supply of housing, as developers see greater demand for their products.

Why then were tax credits not seen as the practical solution? One reason is that a city council can't grant tax credits.

That must be done in Sacramento or Washington. But there was something more to this preference for a narcotic over an actual medicine: the persistent presumption that landlords are personally responsible for the current mess, that those who now own rental units are *liable* for the market level of rents, that those who reap the profits *ought* to pay the taxes. The real political weakness of credits or subsidies, in the final analysis, is that they don't punish landlords. The rent control gospel says that the evil owner must be made to cough up what he hath so far ripped off.

Los Angeles rent controllers, for example, tend to blame the housing mess not on local "mom and pop" apartment-house owners, but on "absentee landlords" from foreign lands. "The feeling [at the City Council] is that we're dealing with a handful of outside operators—speculators—who are coming in and raping the people of this city," notes Jackie Brainard, press secretary to Councilman Yaroslavsky. She points out that the largest apartment developer in Los Angeles is not true-blue American but Canadian. One woman who was pushed out of her apartment to make room for condominiums

Second Thoughts in Britain

By GEOFFREY SAMPSON

CULTURE SHOCK TAKES UNEXPECTED forms. When I went to the United States as an exchange student some years ago, I expected to encounter misunderstandings about cricket and the role of the British aristocracy, and indeed I did; but the biggest non-meeting of minds happened a few weeks before I was due to go home to England, and concerned an altogether different matter.

An American friend of mine was going on her first trip to England that summer, and she offered to find me a flat ready for my return. "I'd love to spend an afternoon or so looking at apartments over there, and I'm sure I could find one you'd like," she bubbled enthusiastically. I gaped. An afternoon or so? "It doesn't work like that," I explained. "When I get back I'll have to work hard at flat-hunting, contacting friends of friends and chasing up leads; I'll be lucky to find a place within a couple of weeks, and I'll have to take what I can get." "But why is it so difficult?" she asked. "Because we have laws protecting tenants against exploitation," I said.

My American friend never did understand—she was no economist. But let me explain the sorry story of the British housing mess. American readers may feel that they have enough of their own problems not to bother with ours, but this tale has a moral for them too—as will become apparent.

Early in this century, nine out of ten British families lived in privately rented housing; the tenth owned its home. Rents were settled by the ordinary laws of supply and demand, until World War I upset the normal functioning of the market. With the war came a sudden, unprecedented inflation; rents began to soar along with other prices, and many poor people faced the threat of eviction. In 1915 rents were frozen at prewar levels as a compassionate emergency measure to last no more than six months beyond the end of the war. Sixty-five years and another world war later, rent control is still with us. Its effects have been enormously damaging to all Britons, perhaps most of all to the

group it was designed to help.

After World War I, landlords were allowed to increase rents by a specified percentage that was large, but not large enough to compensate for wartime inflation. Naturally the supply of new houses for rent began to dry up as rent control made real estate a relatively unprofitable investment. In order to cure the shortage of rented accommodations, local government moved into the housing business. "Council" (i.e., municipally owned) housing was and is exempt from legal rent control, but that scarcely matters since a local council that raises rents hurts its tenants' interests in a very clear and public fashion, and gets into political difficulties accordingly. By now the average local authority's rents are so low as to barely cover the costs of maintenance—allowing nothing toward repaying the capital. Naturally, councils have long lines of would-be tenants eager to take advantage of such bargains—lines in which it takes years to reach the head.

Meanwhile, what of the private landlords? As municipal rents sank in real terms, the figures that private landlords wanted to charge to get an economic return on their investments made them look like gougers by comparison—so rents remained controlled, to protect tenants from "exploitation." If a landlord cannot make a profit by renting, his obvious alternative is to get rid of his tenants and retrieve his capital by selling to owner-occupiers. This again created a danger of widespread evictions; so, to rent control was added security of tenure: A tenant, once in place, cannot legally be asked to leave.

Under the latest (1974) Rent Act, rent control and security of tenure have both been extended to furnished as well as unfurnished tenancies. The "fair rent" is determined by a local government official by criteria that are left mysterious (rent officers are expressly directed to ignore the factors of supply and demand), and a sitting tenant is not merely guaranteed a home for life but has the right to pass on his tenancy to a child, who may in turn pass it on to *his* child. When a private rental does become available, it is common for a prospective tenant to settle on a rent with the landlord, move in, and go straight to the rent officer to get that figure declared "unfair." As I write these words, no less a man than the attorney general of the United Kingdom is locked in legal battle with the landlady of his comfortable *pied-à-terre* in the fashion-

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Second Thoughts . . .

able London suburb of Wimbledon in order to get the (remarkably modest-sounding) rent of twenty-five pounds a week reduced to seventeen pounds. Naturally, under these circumstances the proportion of private tenancies has plummeted. By 1974 barely one household in ten rented privately; in 1980 the proportion must be far lower.

The virtual elimination of the private landlord might not have mattered if the housing provided by local government were adequate. But, notoriously, local authorities build the wrong kinds of housing, in the wrong places. To find an example, I need not look beyond the North Country hill village where I live. The public housing authority has recently carried out an extensive building program that has given our village nothing but one-bedroom houses for the elderly. Larger houses for couples with children have all been segregated in another village separated from us by several miles of winding road; simultaneously, another arm of local government has closed the school in the other village and transferred its pupils to our newer and larger school building.

Since district councils have no economic incentive to discover what kinds of houses their customers want, they drift with the tide of fashionable theories about public housing, as witness the forests of high-rise blocks put up in the sixties and seventies, which are thoroughly detested and feared by their tenants because they destroy neighborly relationships and attract vandals and muggers. (Some of these tower blocks have already had to be demolished, at enormous expense, because despite the low rents no one is willing to live in them.) For a bureaucrat it is always relatively easy and safe to stick to old ways rather than adapting to changing circumstances, so for instance council housing programs have largely ignored the great increase in recent decades in the proportion of one- and two-person households; they continue to cater mainly to traditional families. Private landlords could not have afforded mistakes on such a scale. If one batch of buildings had failed to attract tenants at profitable rents, it would have been economic suicide to try building more of the same housing in the same area—but bureaucrats, and their elected masters, are not forced to learn from their own failures.

Council housing officers have to allocate the houses available to the people waiting for them on the basis of some superficial assessment of "need" that cannot possibly be sensitive to all the multifarious factors actually relevant in an individual case. A woman desperate to get away from a husband who maltreats her and her children will get no house from the council since she is "voluntarily" joining the line at the bottom, and she will certainly not find a private rental. The tenants favored nowadays by the few remaining landlords who still try to run their property as a business are ambitious young bachelors or well-heeled foreign visitors, since these people are sure to move on before long—no danger of them passing on tenancies to their grandchildren. But these are the ones who could

afford accommodation without difficulty in a decontrolled market.

A 1973 publication of the Fabian Society, an organization devoted to gradualist socialism, has this down-to-earth view of the housing market:

. . . the decline of the private landlord has brought, and is still bringing, acute misery to many families. . . . For the poor and the underprivileged, the unmarried mother and her child, the immigrant and the large family the decline of the private landlord is not a cause for ideological satisfaction, rather a grim reality.

Nor are the ill effects of rent control confined to those who hunt in vain for suitable accommodations. Far from it. One of the factors often commented on in connection with Britain's miserable industrial performance in recent decades has been the extreme reluctance of workers in dying industries to move to areas where new opportunities are opening up. Immense political pressure is applied, often successfully, to force the government to subsidize industries that are in the red, even when suitable jobs can be found elsewhere. People who should know better put this down to laziness, or to the excessively generous levels of state unemployment benefits. But for a family man installed in a good council house at a low rent, the right to remain in that house is perhaps his most valuable single asset—if he moved elsewhere he would have to go to the bottom of another council's endless waiting list. This perfectly understandable reluctance to move acts as a strong brake on the industrial regeneration of Britain. Rent control, accordingly, is hurting everybody, including those of us who own our homes.

"So what?" the American reader may be asking. "The British have got themselves into a fix, and if they haven't the sense to get out of it, too bad for them. If we tried something that turned out as badly as that, we'd soon have second thoughts." But this is where the moral of the story comes in. We did have our second thoughts, but second thoughts are not enough. By now probably most Britons who have thought about the problem seriously, including many socialists, dearly wish that we could go back sixty years and undo what was done. But to restore freedom of contract between landlord and tenant now would do nothing, or less than nothing, to make more private rentals available.

It has been tried. In 1957 a Conservative government partially relaxed the controls, but landlords used the opportunity to give their tenants notice and sell to owner-occupiers, with the net result a sharp decrease in private tenancies. The landlords' reasoning was: Sooner or later the Labour party will get back in, and they'll reverse the rules again (as indeed they did); and they'll very likely make new controls binding retrospectively on contracts arranged now (again quite correct); so the only rational way to use the new freedom is to convert our houses into cash while we can. As for building new houses to let, the idea would have been insane; the law would have changed more than once before a house was even completed. As is often the case, the government has found it is much easier to create a mess than to clean one up. □

(after passage of the rent control ordinance) lamented that the problem wouldn't have come up if not for the Arabs and Iranians, who are known to have taken over the real estate market.

But the real world offers no comfort for this sort of scapegoating. As Neal Peirce wrote in a syndicated column, "The problem with the rapacious landlord argument is that the rate of return in the industry isn't very high. It's so low in many cities that owners are abandoning their properties."

Statistics confirm that the number of rental units nationwide is declining at the rate of 1.5 percent (or 420,000 units) annually. The reason is, as former HUD Secretary Patricia Harris explains, that "the incredibly steep cost of maintaining multifamily housing has been greater than the increase in incomes of tenants." Unable to raise rents sufficiently to cover increasing costs, investors are moving out of apartment rentals. Those who point to exorbitant rent gouging must explain why, if the profits are so great, the landlords are getting out of the business.

Housing prices are increasing at record rates, not because of "rent gouging," but because of unprecedented peacetime inflation and massive restrictions placed on undeveloped land. The overriding problem in Los Angeles, as in other cities, is that the housing market's "in-crowd"—the people who own their own homes—oppose almost any more apartment, condominium, or inexpensive-home construction in the more hospitable areas. "One of the most powerful forces, certainly equal in influence to the developers, who are generally perceived as the bad guys, are the homeowners' associations," says Brainard. "They're organized, they're strong, they're verbal, they're sophisticated—they come down here [to the City Council] and they know what's going on. And their interest is to protect what they've got." Such restrictionism has had a vicious effect upon housing for the less-than-affluent, and has provided a nifty windfall for those already established—as no less than Tom Hayden himself has pointed out. Hayden has asked the city of Los Angeles "to streamline building and environmental permit procedures."

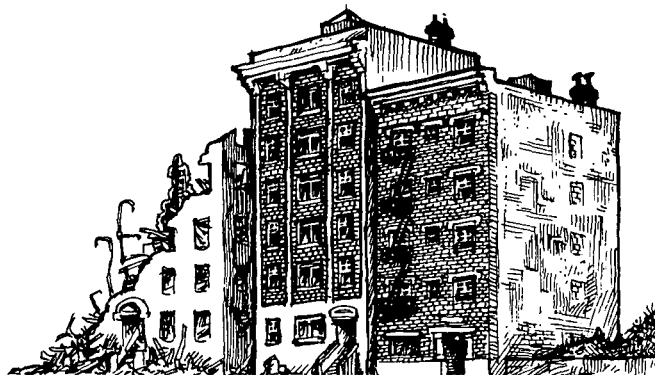
One black Los Angeles councilman opposes controls—because they freeze development.

City Councilman David Cunningham, a black legislator from an inner city district, represents voters who haven't that much to protect. He has consistently opposed controls. Far from attacking "rent gougers," Cunningham boasts that "we're doing everything we can in my district to assist developers—we're going to encourage more housing."

But to Cunningham, the question goes deeper than economics. "There is another issue that underlies this—there is a lot of racism involved. In the community I represent rental housing is a good deal. Rents are very reasonable, there are a number of vacancies. When I go to buy a pair of shoes I shop all over the city to find out where the best bargain is. But there are some people who want to feel safe in their own racial enclaves and they are not willing to take advantage of some economic deals in rental housing that are available." He finds that middle-income whites limit themselves to desirable, high-priced sections of the city and rely on rent controls to avoid

moving into racially mixed sections.

Cunningham believes that rents are actually too low in the black community, precluding new construction. His vital concern is how to make the picture more attractive to developers and speculators. Yet the current situation does not encourage him. "Rent controls have had a chilling effect" on new construction, he says.



THE ARGUMENT THAT RENT controls benefit middle-class renters at the expense of the poor is far from new. In New York City, where the president of the American Stock Exchange pays \$660 for an eight-room apartment on the Upper East Side valued at one and a half to two times as much, the charge has been heard for years, as it has in foreign countries with a history of rent controls. (In South Africa there is such a shortage that only the best-connected families can obtain rental housing.)

Under the "second-generation" ceilings that now abound, apartment rents are strictly controlled until a tenant voluntarily moves out. Then a landlord can raise the rent as much as the market will bear—and the new rent becomes the base for future rent control. Since the working poor are more often forced to relocate in pursuit of new job openings, their rent tab becomes considerably larger than that of higher-income renters. It is important to note that these transients do not pay the market rent that would prevail in the absence of controls, but a significantly higher premium dictated by a smaller supply: A 1970 Rand Corporation study shows this to have been true in New York City, and a University of Southern California study reveals similar results in cities around California in the first months of local controls.

It's no surprise that—in the absence of controls—rents are rising most rapidly in the "nicest" areas, or that people living in these areas—stable, middle-class, long-term residents, for the most part—are the noisiest on the issue. What is interesting is that the pattern in which rents are rising in some areas and falling in others belies the very foundation on which rent-controllers pin their analytical reasoning. Professor M. Chapman Findlay III, in his just-completed analysis of Los Angeles rent controls for the Center for the Study of Financial Institutions at the University of Southern California, notes the all-too-obvious: If rents "go above market levels, presumably nobody would pay them. The fact that people form rent control coalitions instead of moving to cheaper places is rather strong evidence that there are no cheaper places and, hence, that rents are not above market levels." Tenants are helpless to fight hefty rent hikes precisely because there's no place to go. No place in a "nice" neighborhood, that is.

Politicians who promote rent control insist that their stat-

utes have no connection with the virtual extinction of all rental housing construction in places like Washington, D.C., Los Angeles, and Santa Monica. (Santa Monica's new rent control director, hired from the New York City bureaucracy, immediately summed up the Santa Monica problem as not rent controls, but lack of investment. Apparently he didn't see any cause and effect.) They point, as does Councilman Bernardi, to "the cost of money and the cost of land."

Of course, these costs are even higher for condominium construction, and here business is booming. A significant irony is that the rent control program has freed resources that could have been used to build relatively low priced apartments for use in building high priced condominiums on the west side of Los Angeles. Two bedroom condos routinely fetch \$200,000 and more there, and a glut of such luxury units is rapidly developing on the grave-sites of demolished apartment buildings. The upper-middle-income customers who purchase these condos should be grateful to the Los Angeles City Council, which has made it illegal for renters to pay prices that would keep their rental units in existence.

The equation investors look at is simple: Profit equals revenue minus costs. Rent control limits potential revenues by law. Costs are not controlled. Profits sink. Investment disappears. If rents were allowed to rise (and these rents were enough to cover costs), the profit margin—and the flow of capital investment—would not be eliminated. Blaming stagnating supply on increased costs while ignoring controlled rents is much like blaming your overdrawn account solely on too many withdrawals; it could be the result of too few deposits.

Furthermore, the argument that "high costs" are the barrier to new construction, as claimed by those who favor rent control, runs counter to their own charge of "rent gouging" and vindicates the claim of apartment owners that theirs is an

Some of the most telling attacks on rent controls are voiced by HUD officials themselves.

expensive business these days. According to Bernard J. Frieden, professor of urban studies at the Massachusetts Institute of Technology, "Utility cost, maintenance, property taxes, insurance, mortgage finance costs and other expenses" have been rising more rapidly than inflation in general, yet rents have risen only 75 percent as fast as the consumer price index.

The knockout punch of the rent control lobby is the simple power of suggestion. Apartment builders and owners panic at the very mention of controls, and procontrol groups find their claims "substantiated" before their very eyes. Developers try to preempt the confiscatory effects of rent control by halting all investments in rental housing, by converting existing units to condominiums or cooperative apartments, or by raising the rents on apartments in order to have a higher base when controls are clamped on. All three actions accelerate the rise in rents, directly or indirectly. Moreover, they create a panic atmosphere leading to calls for immediate political action to stop condo conversions and restrain the dramatic rent hikes. When one counters that rent controls will stop all new building, the advocates of control can point out that new develop-

ment has already ground to a halt. (One final irony: The most generous landlords—the ones who were slowest to raise rents—are the ones hurt the most when controls are imposed; they'll have a lower rate base.)

Why the suicidal push for rent control?

In part it is because rents are one of the few prices that can be controlled by local politicians. (Price controls on clothes, food, medicine, or gasoline would, if imposed by New York City, simply prove a huge windfall to unregulated sellers of such items in Connecticut and New Jersey. Once the goods sold out at the low, controlled prices in Manhattan, customers would be clamoring to get them at any price.) Another reason for this embrace of controls is that rents rise, in inflationary times, more dramatically and obviously than the price of eggs, or meat, or shoes, or movies. When the price of one of these items bounds 25 percent upward, the effect on one's total budget is unpleasant but relatively slight. Housing, however, is generally the consumer's largest budgetary item next to taxes.

THE "SOLUTION," THOUGH, HAS now become part of the problem—as acknowledged by sensible people from all segments of the political spectrum. Gunnar Myrdal, no friend of an unfettered market, says that "rent control has in certain Western countries constituted what may be the worst example of planning by governments lacking courage and wisdom." Another Swedish economist, Assar Lindbeck, calls rent controls "the most efficient technique presently known to destroy a city—except for bombing." Eric Hemel, legislative assistant to Senator Daniel Patrick Moynihan, conducted a study that found that "rent control provides yet another excellent example of subsidies for the middle class dressed up in egalitarian clothing." And Senator Thomas Eagleton, once a strong rent control supporter, now says Washington, D.C.'s 1973 ordinance taught him that controls "actually work against the very people they were designed to aid."

Some of the most telling attacks on the local regulators come from federal regulators. The Department of Housing and Urban Development has gone to court to exempt any buildings it owns or subsidizes from all local rent controls. Former HUD Secretary Harris says controls make it "very difficult to persuade anybody to build" rental housing units. The current HUD secretary, Moon Landrieu, has spoken to national forums condemning both rent controls and ordinances limiting condominium conversions.

Even among politicians who march to the rent control drummers there is widespread skepticism about the program's efficacy. Brainard, despite her support for controls, admits that "it is like a patient with cancer where the pain is so great. Even though the drugs may not be good for them and may hasten their demise, you have to relieve that pain. . . . It is not a cure for the housing problem. Like most drugs, it creates a dependence and gets worse and worse."

Rent controls have failed the test in the neighborhoods in Harlem, Brooklyn, and the Bronx. New York's leading black newspaper, the *Amsterdam News*, sums up the situation: "We in minority areas are forced to live in rat-infested apartments that resemble bombed-out war areas, [which are] . . . rapidly increasing, instead of decreasing . . . solely because of rent control." Yet in city halls across the land, self-interested politicians are seeking the maximum political benefit at the lowest political cost in the next election. But history suggests we look beyond that. The future of America's cities demands it. □

**Morocco's King Hassan is trying to annex
the Western Sahara, and once again
America is sending**

ARMS FOR PEACE

By STEPHEN TALBOT

UNTIL REBELLIOUS STUDENTS and unemployed workers took to the streets, chanting "Tehran, Rabat, the same fight," Morocco seemed a likely haven for the newly deposed shah of Iran last year. The shah then became an embarrassment, his presence a catalyst for the opposition to the Moroccan monarch, Hassan II, whose reign was already threatened by economic malaise and a draining war aimed at annexing the neighboring Western Sahara. Some sixty thousand Moroccan troops, at a cost of more than a million dollars a day, were bogged down in the frustrating war with ten to fifteen thousand Polisario Front guerrillas, and the king's critics were calling it "Hassan's Vietnam."

After two months in Morocco, the deposed shah discreetly embarked for the Bahamas, but his fate continues to haunt the Moroccan monarchy. It was the shah's downfall that prompted President Carter and his adviser, Zbigniew Brzezinski, to reverse previous administration policy and approve last October the sale of \$232.5 million worth of U.S. combat planes and helicopters for use

against the Polisario independence movement. The Carter-Brzezinski logic was that the United States, following the debacle in Iran, must make a public display of support for King Hassan to reassure his financiers, the Saudi government, and to show the world, especially the Soviet Union, that Washington would protect its allies in the Third World. It was a question of U.S. "credibility," the administration argued, overriding the objection of State Department "Africanists" that the U.S. arms sale would be viewed in Africa and in the United Nations as a reward for Moroccan aggression in the Western Sahara.

The administration also argued that arming King Hassan would strengthen his negotiating hand and thereby encourage a settlement of the conflict. "U.S. Set to Sell Arms to Morocco As Spur to Peace" was the confusing headline in the *Washington Post*. Representative Stephen Solarz (D-N.Y.), chairman of the House Subcommittee on Africa and an opponent of the arms deal, was less sanguine, predicting that the weapons "will encourage intransigence rather than flexibility" on the part of King Hassan and "will prolong the war rather than shorten it."

King Hassan and his courtiers were delighted by Carter's approval of their

weapons request, but they embarrassed the State Department by immediately rejecting any "strings" attached to the arms deal, such as a Moroccan commitment to pursue a negotiated settlement. Hassan specifically ruled out any talks with Polisario. In fact, emboldened by Carter's approval of the weapons sale, Hassan unveiled a new elite force of some seven thousand troops and launched "Operation Oukoud," an offensive (named after a battle fought by Mohammed) aimed at turning the tide against the Polisario guerrillas. A special antiguerrilla column was supposed to sweep through the Western Sahara desert in armored personnel carriers, destroying Polisario arms caches and pushing the guerrillas back into their base camps in Algeria. But, as *The Economist* put it, the much-heralded Oukoud offensive "appears to have got lost in the Saharan sands."

Then, in March, with the offensive stalled, Polisario counterattacked, mauling a five-thousand-man Moroccan force that had been sent into the northern region of the Western Sahara on a search and destroy mission—and to relieve the garrison at Zag, where some four thousand Moroccan soldiers had been surrounded since last fall. According to Polisario, two thousand Moroc-

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cans, including some of Hassan's most highly trained soldiers, were killed in the ambush. Rabat disputed the high death toll but acknowledged a fierce battle, and journalists who visited the area soon after the fighting reported many Moroccan dead and heavy damage to Moroccan military equipment. European journalists on the scene reported spotting twenty captured new U.S. light armored cars. Previously, several journalists and other visitors taken through the Western Sahara by Polisario had seen the wreckage of American F-5 jets apparently shot down by the Soviet-built SA-7 missiles Polisario got from Algeria and Libya.

The more weaponry Hassan procures from the United States and France, the more he pursues a military solution in the Western Sahara—and to no avail. Half the Moroccan army is now directly engaged in the war, Moroccan soldiers are being killed at the rate of a hundred and fifty a month, and the king is diverting resources from economic development to meet the spiraling costs of the conflict. In increasingly desperate bids to win an unwinnable war, Hassan looks to the quick fix of more sophisticated weapons from the United States.

But, asks former UN ambassador Andrew Young, "If Hassan is our friend, why do we aid in constructing a scaffold of weaponry upon which he can only hang himself?" In February, Young—who opposed the U.S. arms sale to Morocco—visited the Polisario-run refugee camps at Tindouf, Algeria, where as many as 100,000 Saharans fled in early 1976 after Morocco annexed the Western Sahara and bombed, strafed, and napalmed the makeshift refugee centers there. "You shall be free and you shall prevail," he told a Polisario rally.

Young contends that exclusive U.S. military support for Morocco's war of conquest in the Western Sahara damages U.S. economic interests in Northwest Africa (the Maghreb). Algeria, for example, is Polisario's main backer; it is also a major trading partner with the United States, providing 7.8 percent of total U.S. oil imports. Polisario's other principal supporter, Libya, provides another 8.5 percent. While it makes little difference to the United States who controls the Western Sahara, a regional conflict between Algeria and Morocco would threaten U.S. oil supplies, damage trade and investment, and could escalate into an international confrontation with the United States and the Soviet Union backing their respective allies. To avoid this alarming scenario, Young advocates an independent West-

ern Sahara engaged in regional cooperation and economic development with Morocco, Algeria, and Mauritania.

Throughout the war the United States has claimed to be neutral, but the sales of arms to Morocco belie the claim, discourage negotiations, and undermine any peacemaker role the United States might seek to play. Hassan had hoped that Algeria's new president, Chadli Benjedid, would be less willing than was his predecessor, the late Houari Boume-

Algeria to the east, and Mauritania to the east and south, the Western Sahara has nearly 600 miles of shoreline along the Atlantic.

At the Berlin Conference of 1884, the European imperial powers allocated the desert territory to Spain, but Spanish forces did not subdue the largely nomadic population of the interior until the late 1950s and did not take much interest in the colony until 1963, when the world's fourth largest phosphate deposit was

Half of Hassan's army is directly engaged in the war; his soldiers are dying at the rate of 150 a month.

dienne, to support Polisario. But that hope proved illusory. Having tapped jingoistic sentiment in Morocco to annex the Western Sahara in 1975–76, a campaign that conveniently diverted attention from Morocco's rampant inflation and high unemployment, Hassan set his own trap. Now he must rely on nationalist fervor—the dream of creating a "Greater Morocco"—to fuel the war effort, but expansionist sentiment in Morocco limits the king's ability to relent and recognize the independence of the Western Sahara without jeopardizing his throne.

Having set loose the military in a foreign war, Hassan is also more vulnerable to military pressures. To appease his more hawkish colonels, he periodically threatens to invade Algeria—a move which would be catastrophic since that nation vastly outguns Morocco. But lately Hassan is finding it increasingly difficult to restrain his army from carrying out "hot pursuit" raids into Algeria against Polisario guerrillas. If the war situation and Moroccan military morale deteriorate even further, Hassan—who survived assassination attempts by disgruntled military officers in 1971 and 1972—will have to worry about a military coup.

THE WESTERN SAHARA IS a bleak, parched expanse of desert and mountains roughly the size of Colorado. The population statistics are a matter of political controversy: A 1974 Spanish census said there were 74,000 indigenous people, and Polisario claims there are 750,000. The population is probably around 150,000, including Saharan refugees who fled to Algeria. Bordered by Morocco to the north,

discovered at Bu Craa. Phosphates are used primarily to make fertilizer. The longest conveyor belt in the world—now severed by Polisario hit-and-run attacks—was built to transport the phosphate to the coast. Morocco, the largest phosphate exporter in the world, began to cast a covetous eye at the Western Sahara deposits; to control them would give Morocco a near monopoly over non-Communist phosphate reserves. As world demand for fertilizer increased, phosphate prices rose, and so did Morocco's interest in Bu Craa.

While Spain began to exploit the phosphate reserves, the Western Saharan nomads were undergoing a profound social transformation. The drought that afflicted the Sahel region in the late sixties and early seventies forced more and more of the wanderers to settle in towns and cities. Some were also attracted by the belated Spanish attempts to develop the urban areas. A new urban elite began to emerge among the indigenous population. Modern nationalist political movements stirred. On May 10, 1973, several proindependence groups merged to form the Polisario Front (Popular Front for the Liberation of Saguia el Hamra and Rio de Oro, the two major regions of the Western Sahara). Ten days later, Polisario guerrillas assaulted and temporarily occupied a Spanish fort. The regime of Generalissimo Francisco Franco responded by increasing the Spanish occupation forces to 55,000 with an additional 4,500 police.

However, after two years of skirmishing with Polisario, Spain decided to withdraw from the Western Sahara. Morocco saw its chance. King Hassan, asserting "historic" Moroccan rights to the Western Sahara, requested an advi-

sory opinion from the International Court of Justice in the Hague. Although the court acknowledged "indications" at the time of Spanish colonization of "ties of allegiance" between the Sultan of Morocco and "some, but only some of the nomadic tribes of the territory," it concluded that this "does not establish any tie of territorial sovereignty between the Western Sahara and Morocco" and "it does not show that Morocco displayed effective and exclusive state activity in the Western Sahara." The court, also rejecting Mauritania's claim to the territory, urged self-determination for the population.

A United Nations team composed of representatives from the Ivory Coast, Iran, and Cuba toured the Western Sahara in 1975 and concluded that "the population, or at least all those persons encountered by the Mission, was categorically for independence and against the territorial claims of Morocco and Mauritania." Moreover, the UN investigators stated, Polisario "appeared as the dominant political force in the territory." The UN still has not accepted Morocco's incorporation of the Western Sahara.

Flouting the International Court of Justice and the United Nations, King Hassan organized an imposing media event: He sent 350,000 Moroccan peasants on a holy crusade—the "Green March"—to occupy the Western Sahara. Armed only with the Moroccan flag and the Koran, the peasants marched a few miles into the Western Sahara and then returned home. The point had been made, and on November 14, 1975, the Spanish government signed the Madrid Agreement turning over administration of the phosphate-rich northern two-thirds of the Western Sahara to Morocco and the southern one-third to Mauritania. As solace for relinquishing its colony, Spain retained a 35 percent interest in the Bu Craa phosphate mine; Morocco took 65 percent. No referendum was ever conducted among the Western Saharans.

Polisario declared war on Morocco and Mauritania. As foreign troops began occupying the Western Sahara in late 1975, Polisario helped organize the exodus to Tindouf, Algeria; some 100,000 people—the bulk of the Saharan population—still live there in a tent city subsidized by the Algerian government and international relief agencies. On February 27, 1976, Polisario proclaimed the "Sahara Arab Democratic Republic"—a government in exile which now has been recognized by thirty-six coun-

tries. Roaming the deserts in Land Rovers and Toyotas, the Polisario guerrillas have struck effectively against the slower moving occupation forces, inflicting heavy casualties. Polisario strategy was to focus its guerrilla war on Morocco's weaker ally, Mauritania, which has only 1.5 million people and is one of the world's poorest, least developed countries. Polisario raids closed down the Mauritanian iron mines at Zouerate, which accounted for 70 percent of the country's foreign exchange. The war provoked unrest in Mauritania and two coups. Despite large-scale French military aid, including raids by Jaguar bombers, Mauritania—battered and weary—withdrew from the "fratricidal and unjust" Saharan war last August, signing a peace accord with Polisario. An outraged King Hassan immediately occupied the Western Sahara territory that Mauritania had surrendered.

THE UNITED STATES HAS maintained an official policy of neutrality under which the State Department recognizes Moroccan administrative control over the Western Sahara but not Moroccan sovereignty. For the leaders of Polisario this is too fine a distinction. They can point to King Hassan's use of U.S. F-5 jet fighters and other U.S. weaponry in the war. Although this violates U.S. agreements with Morocco that American weapons would only be used inside Moroccan borders for defensive purposes, the State Department has turned a blind eye to the infractions.

In fact, one can make a strong argument that the United States has quietly encouraged Morocco's war of annexa-

tary Sales credits to Morocco to \$30 million in 1977 and \$45 million in 1978.

Between 1975 and the \$232.5 million arms sale of last October, the United States delivered nearly half a billion dollars worth of military hardware to Morocco, including 150 M-48 tanks, 334 M-113 armored personnel carriers, 6 Chinook CH-47 helicopters (a Vietnam War workhorse), 16 155mm. howitzers, 25 F-5A fighter aircraft (at least five of which have been shot down), several C-130 aircraft, and some spare parts and ammunition. In addition, Washington encouraged France to serve as the West's policeman in the Maghreb, a role Giscard d'Estaing was only too eager to assume. The French became Morocco's number one arms supplier. In recent months, France has begun delivering some fifty advanced Mirage F-1 fighters, and Polisario has already shot down four of the \$5 million planes.

The United States government has also approved a number of important, military-related commercial sales to Morocco by U.S. multinationals. In 1977 Westinghouse announced it had signed a \$200 million contract with Morocco to build a Tactical Air Defense System. (TADS). Washington approved an export license despite the fact that part of the system was to be installed in the disputed Western Sahara. Last May the State Department gave the go-ahead to Northrop Page to construct a vast electronic surveillance system to enable Morocco to detect guerrilla movements in the Western Sahara. Northrop refuses to comment on the deal, saying the contract has not yet been signed with the Moroccan government. But the original proposal, which the State Department

The Moroccans bombed, strafed, and napalmed makeshift refugee centers in the Western Sahara.

tion by steadily increasing U.S. military sales and assistance to King Hassan's regime. After Morocco entered the war, the Ford administration responded with a staggering increase in arms sales, a jump from less than \$10 million in 1974 to \$296 million in fiscal year 1975. The Carter administration, more concerned about alienating African countries opposed to the Moroccan takeover, delayed King Hassan's request for Bronco OV-10 counterinsurgency planes and helicopter gunships until last October, but continued to increase Foreign Mili-

had turned down, called for thousands of tiny sensors to be buried in the Western Sahara. The *Washington Star* said it "could be the world's largest military underground surveillance network"—the biggest since the ill-fated "electronic battlefield" system the United States constructed in Vietnam. Three of the American experts working on the design of Northrop's "integrated intrusion detection system" are retired air force generals who developed the massive sensor system in Vietnam, among them John D. Lavelle, the notorious commander

who ordered his pilots to ignore the Nixon administration's bombing halt on North Vietnam. Old counterinsurgency warriors never die, they just move on to the next war.

To obtain U.S. weapons and maintain political support in Washington, King Hassan has conducted a major public relations campaign—the largest by any African government at this time. According to Justice Department records, Morocco paid an American PR firm, DGA International, \$893,068 in 1978–79 for its efforts “primarily directed at improving public and political understandings in the United States of Moroccan interests, including obtaining U.S. approval of the right of Morocco to purchase armaments in the U.S.” DGA president Donald Agger is a former official in the Transportation Department, and the chairman is Charles Goodell, a Washington lawyer and former U.S. senator from New York. Les Janka, who worked for Henry Kissinger at the National Security Council from 1971 to 1976, handles the Moroccan lobbying for DGA. On Capitol Hill, DGA lobbyists found two members of the Senate Foreign Relations Committee, Richard Stone (D-Fla.) and Jacob Javits (R-N.Y.), particularly receptive to Moroccan military requests.

In its lobbying campaign, the Moroccan government stressed three points: It was a U.S. ally and conservative bulwark in North Africa against the spread

supported Algeria and Libya, can hardly be described as a pro-Soviet force. George Houser, director of the American Committee on Africa, last year traveled with Polisario from Algeria to the Atlantic Ocean and back. He reported that Polisario's ideology “is certainly socialist in orientation, but essentially it is a nationalist movement. To call it Marxist would be an exaggeration . . . virtually all the Polisario people with whom I came into contact were devout and practicing Moslems.” Polisario's political manifesto calls for the eventual development in the Western Sahara of a democratic socialist system with nationalization of the principal mineral resources. Islam will be the state religion, Arabic the official language. The right of “nonexploitative” private property is guaranteed. The constitution of Polisario's Sahara Arab Democratic Republic also professes a policy of nonalignment. All in all, hardly what one would call a burning threat to American strategic interests.

It is hard to shamelessly assert that Morocco is an outpost against Soviet expansionism. The Soviet Union and Morocco have signed a \$2 billion phosphate agreement under which the Soviets are lending Morocco the money to open new phosphate mines. Rabat and Moscow also have a major fishing agreement and a lucrative oil-for-citrus swap. Moroccan exports of fruits and vegetables to the USSR are expected to

last year's Organization of African Unity summit conference in Monrovia, Liberia, African countries voted 33 to 2 in favor of self-determination for the Western Sahara. The Moroccan delegation stalked out, threatening to quit the African body permanently, and King Hassan, in a racist pique, dismissed the summit as a “tom-tom conference.” Last December an OAU “committee of wise men”—including figures from such conservative countries as Sudan and Liberia—called for an immediate ceasefire in the Western Sahara, the withdrawal of Moroccan troops, and the introduction of an intra-African peace force to supervise a popular referendum. Morocco flatly rejected the proposal.

CONGRESS DID NOT OPPOSE the Carter administration's latest arms sale to Morocco, although the chairmen of the Senate and House subcommittees on Africa, Senator George McGovern and Representative Stephen Solarz, both registered their personal disapproval. “We just didn't have the votes in the Senate to do anything more,” explained a McGovern aide. Delivery on the Saudi Arabian-financed U.S. arms package will begin later this year, starting with six Bronco reconnaissance planes, followed by twenty F-5E jet fighters from Northrop (armed with Maverick air-to-ground missiles, according to a recent State Department announcement) and twenty-four Hughes 500 MD helicopters equipped with TOW antitank missiles.

The main argument in Washington for the sale is that after Iran and the Soviet invasion of Afghanistan, the United States has to reassert its power in the world and stand by its friends. In April, for example, two congressional delegations led by House Speaker Thomas O'Neill and Foreign Affairs Committee chairman Clement Zablocki visited Morocco and expressed strong support for “one of our oldest friends and allies.” (House minority leader Silvio Conte of Massachusetts went further, saying, “We think your territorial integrity should be preserved”—words that Moroccans would understandably consider as support for the country's present claims in the Western Sahara.) Yet arms sales to Morocco will not defeat Polisario and will only encourage Hassan's folly in trying to forcibly annex the Western Sahara. They will increase his belligerency and inflexibility. By arming Morocco, the Carter administration is killing the king with kindness. □

Senators Richard Stone and Jacob Javits seem particularly receptive to Moroccan military requests.

of Algerian socialism and Soviet influence; it had responded loyally to U.S. and French requests to dispatch troops to Shaba province in Zaire in 1977 and 1978 to salvage the shaky regime of another pro-Western ruler, Mobutu Sese Seko; and it had facilitated the first Israeli-Egyptian contacts that led to the Sadat-Begin peace accord. The last carried special weight with many pro-Israel members of Congress: Hassan is considered an Arab moderate and a friend of Sadat (last year Egypt delivered small arms and ammunition to Morocco in a gesture of support). But Morocco's main financial supporter is Saudi Arabia, whose largesse has since convinced Hassan to condemn the Israeli-Egyptian treaty

Polisario, though backed by Soviet-

increase if Portugal and Spain join the European Common Market and EEC demand for Moroccan produce declines. And this important economic link between conservative Morocco and the Soviet Union must be seen along with the significant economic bond between radical Algeria and the United States. Algeria sells 60 percent of its oil production to the United States and the United States has more than \$4 billion in loans and direct investments in Algeria. An economic determinist would be baffled by the U.S. and Soviet military alliances in North Africa.

To make matters worse, by siding with Morocco, the United States is perceived in the Third World, and especially in Africa, as opposing the right to self-determination and free elections. At

THE AGE OF SURVEILLANCE, by Frank Donner. Alfred A. Knopf, 576 pp., \$17.95.

Alphabet snoops

JONATHAN MARSHALL

IN 1972, THE ACTING DIRECTOR of the Federal Bureau of Investigation, L. Patrick Gray, told reporters: "None of you guys are going to believe this—and I don't know how to make you believe it—but there are no dossiers or secret files." He was right—no one did believe him. But not until the Senate investigation in 1975 and the wave of releases recently pried loose from the FBI and other agencies by means of the Freedom of Information Act did anyone imagine just how awesome was the government's "intelligence" campaign against the American public. Since then we have been treated to a series of such numbing revelations about assassination plots, druggings, mail openings, and the sabotage of political dissent that the details have blurred. It is as if the government had consciously plotted such a proliferation of intelligence agencies and crimes as to leave the average citizen blankly confused or indifferent.

Fortunately, Frank Donner, director of the ACLU's Project on Political Surveillance, makes sense out of the mass of detail in his tightly argued analytical text on government spying and persecution from World War I to the present. Putting together the highlights of congressional investigations, news accounts, and tens of thousands of released documents, he builds a devastating charge of government lawlessness and the suppression of political dissent. Never before has the whole story been told so intelligently and with such a wealth of documentation.

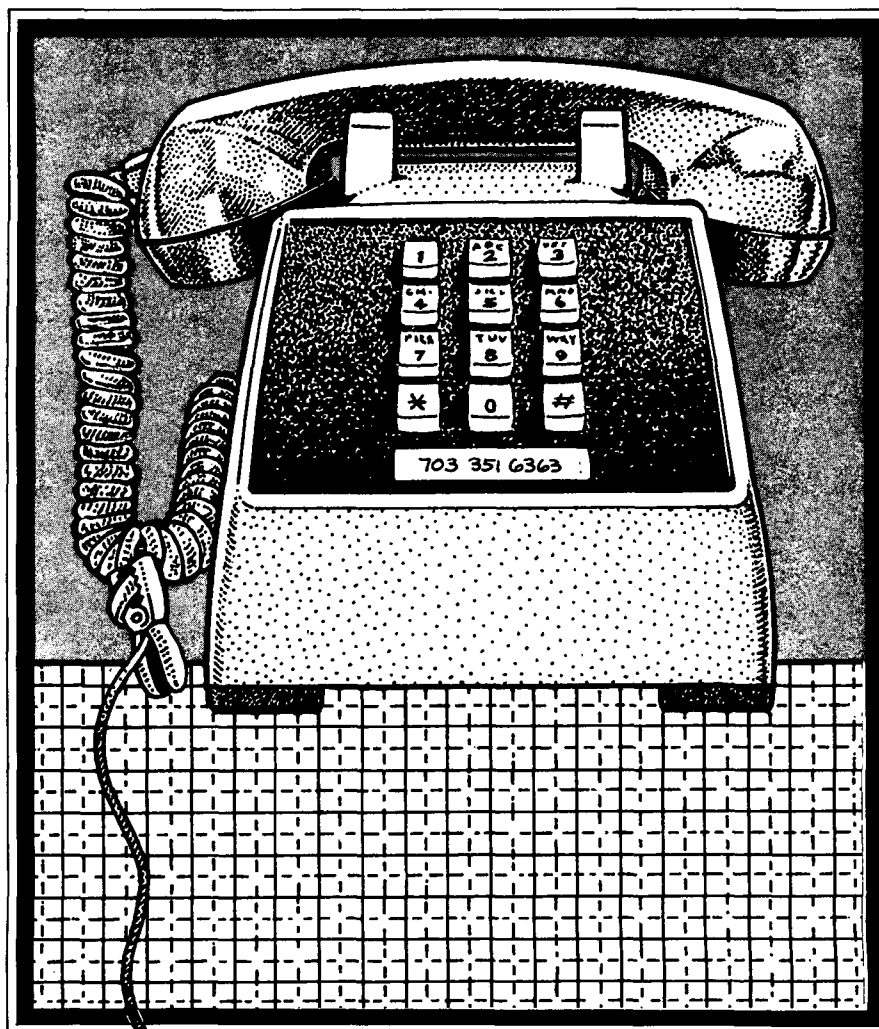
The picture that emerges is so bleak that one wonders why we have any freedoms left at all. Perhaps we owe our

remaining liberties to the stupidity of the blundering bureaucracies; like rampaging elephants, they do enormous damage but lack precision in their aim.

Take the FBI, for example. In 1969 J. Edgar Hoover decided to add feminist groups to his enemies list. He called them collectively "WLM" (Women's Liberation Movement)—no group or movement really amounted to anything without an acronym. But when he sent out a directive for action against the insidious WLM, one field office reported

back that none of its informers had any "information concerning a group or organization called 'Women's Liberation Movement.' . . . It would seem an abortive attempt may have been made to organize or affiliate all women into an organization, but it never materialized." On another occasion the bureau sought to provoke a war between the Communist party and an Italian crime family in New York City. In its unmistakably heavy style the FBI forged a note to the *Daily Worker*, signed "I. Cohen," warning of the menace to the party of the "LCN" (La Cosa Nostra)—FBI parlance for what everybody else in the country calls the "Mafia." The *Daily Worker* didn't run the letter and Operation Hoodwink went down the drain.

Military intelligence agents proved to be no brighter, although they were



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equipped with tens of millions of dollars worth of the latest computers, portable radios, "bugs," and other sophisticated gadgets. In one case, agents spied on a Halloween party for elementary school students in Washington, D. C., because they suspected that a "dissident" might be there. Great numbers of army spies infiltrated the 1968 Poor People's March that followed the assassination of Martin Luther King Jr. One of them reported to his field office that Coretta King, speaking at the outset of the march, had predicted that her husband's "dream" would come true. His supervisor ordered the agent to "find out what dream she is referring to."

Bureaucratic rivalries supplemented stupidity as a check on effective intelligence or sabotage operations. Hoover deep-sixed Tom Huston's 1970 plan to centralize domestic intelligence programs in the White House for fear of losing his privileged access to the President. Hoover also scorned his fellow red-hunter Robert Mardian (organizer of the Nixon administration's grand jury campaign against antiwar activists) as

prosecution to rid our society of unorthodox thinkers and actors by using federal income tax laws and federal courts to put them in the penitentiary."

Other intelligence agencies used more violent means to rid the nation of unwelcome elements. One paid informer for the Bureau of Alcohol, Tobacco, and Firearms beat up California's junior Senator John Tunney (to his supervisor's delight) and provoked a police riot in 1971 to disrupt a Moratorium demonstration in East Los Angeles. The FBI financed the San Diego-based Secret Army Organization that from 1967 to 1972 harassed (and shot at) local antiwar activists; police brought the group under control only after it blew up a pornographic movie theater in which two police officers happened to be sitting. In 1969 and 1970, the 113th Military Intelligence Group of the U. S. Army, based in Evanston, supplied Chicago's Legion of Justice with money, bugging equipment, gas grenades, and immunity from prosecution to support its vigilante-style raids against liberal and left-wing groups—including armed

behind every mailbox." The most vicious technique, known as "snitch jacking," involved the planting of forged evidence to implicate an individual as a police or FBI informant, thus destroying his reputation and fragmenting his organization. In 1964 the FBI crippled the New York State Communist party (such as it was) by framing its national representative, William Albertson, as an informer. Albertson spent the last eight years of his life ostracized, vainly trying to prove his innocence; he was a ruined man, uprooted from his life's work.

SO MUCH FOR "LAW ENFORCEMENT." Donner gives J. Edgar Hoover his full due for venality and criminality, but rightly places the blame on a succession of presidents: FDR, JFK, and LBJ (not to mention Nixon), each one more anxious than the last to expand surveillance programs against his enemies, and all prone to salivate at the juicy dossiers that Hoover kept feeding them.

Thus it was Franklin Roosevelt who first opened the door to unchecked political surveillance by requesting in 1936 that the FBI director report to him on domestic communism and fascism—an authorization that the bureau would cite in 1975 to justify its continuing crusade against subversion. FDR freely used the bureau to detect (by wiretaps if necessary) those who leaked information to the press, and to investigate his enemies among the America Firsters. As Donner comments, "It was President Roosevelt's personal interest and support that made the relationship a heady one. FDR viewed the Bureau as his eyes and ears, an in-house detective agency."

In a similar vein, President Kennedy directed the bureau to wiretap suspected sugar lobbyists and to harass press critics of his showdown with the steel industry. Lyndon Johnson lacked even Kennedy's residual reserve toward Hoover. He delighted in reading the sexual and political gossip in Hoover's dossiers, appreciated Hoover's attempts to suppress the Bobby Baker affair, and knew he could count on the FBI when it came to surveillance of foes in either party (notably Robert Kennedy and Richard Nixon). As for Gerald Ford, he was a Hoover devotee long before entering the White House. Ford helped Hoover to "manage" the Warren Commission's investigation (which gravely threatened the FBI's reputation) by secretly passing on accounts of the commission's executive sessions; in return, Hoover supplied Ford with FBI files when it came time to

Hoover gave Ford FBI files for use in the ludicrous attempt to impeach Justice Douglas.

"a Lebanese Jew" when Mardian sought to establish some degree of Justice Department supervision of the FBI.

YET FOR ALL THAT, DONNER never lets us forget that the thousands of government agents and their tens of thousands of infiltrators, informers, and provocateurs wreaked havoc on political dissenters. From the 1919 Palmer raids (organized by J. Edgar himself) to the CIA's aptly named Operation Chaos, the government has deployed its immense resources to narrow the range of permissible political expression and action.

Thus we find the IRS burglarizing the offices of a congressional candidate and harassing dissident organizations with punitive tax audits and denials of tax-exempt status—a practice that didn't begin with Nixon. Back in 1955 an appeals court judge described IRS tactics against an attorney from the National Lawyers Guild as revealing "nothing less than a witch hunt, a crusade by the key agent of the United States in this

robberies, beatings, and gas bomb attacks on visiting Russian and Chinese cultural delegations.

The FBI generally preferred subtler tactics to confuse, divide, and destroy its multitude of enemies. Standard methods included pressuring employers to fire them, or leaking smears to the press to ruin their reputations. For example, in 1970, when Jean Seberg, the actress, was pregnant, the FBI office in Los Angeles asked permission to leak a phony story that the father was a member of the Black Panthers. "Seberg should be neutralized," Washington agreed, and gave the go-ahead. Her suicide last August has been widely attributed to the depression caused by that incident.

The FBI cleverly preyed upon the understandable fears of left-wing groups about informers and infiltrators. One FBI officer instructed his agents to conduct more interviews of left-wing targets in order to "enhance the paranoia epidemic in these circles" and to "get the point across that there is an FBI agent

lead the ludicrous impeachment fight against Supreme Court Justice William O. Douglas.

Once a President authorizes new intelligence programs, bureaucratic momentum gives these programs a life of their own. Donner brilliantly describes the process. Political pressures from the President or congressional red-baiters push an intelligence agency into action. Soon files are established and a mountain of information pours in, first from cooperating agencies, later from a network of informers. The search for "targets" leads to ever broader definitions of "subversion" and to an emphasis on offensive action rather than passive collection. The final stage is reached when the agency begins to take preventive measures—attempting to identify and neutralize *potential* activists, troublemakers, or tax avoiders. Naturally, no bureaucracy can afford to see its mission accomplished; thus, as the number of Communists diminishes to insignificance, the pool of potential Communists is sure to grow.

The net effect of all this, Donner rightly insists, has not simply been to violate individual liberties, serious though that is. Rather, it constitutes an outright assault on our form of government, an attack on the democratic system it is the alleged purpose of these agencies to defend against foreign and domestic threats. In Donner's words, intelligence is no longer simply an abuse; it has itself become a mode of governance.

Donner's case is so well made that any reservations may seem self-indulgent, but they are in order nonetheless. First, he has been by no means comprehensive in his review of the agencies that spy on and abuse us. His most glaring omission, surely, is the huge Drug Enforcement Administration, with its thousands of field agents and its more than one billion dollars in appropriations. Many of its agents are empowered to search and seize people and property without warrants. They have killed innocent people in raids resulting from mistaken reports from informants. They have been known to use the drug laws to entrap or frame political radicals. And the two DEA data banks, one in Washington, D.C., and one in El Paso (operated in conjunction with the National Security Agency), hold the names of hundreds of thousands of Americans who have never been convicted of any crime. When Communism loses its scare appeal, drugs can always fill the breach as a justification for intelligence work—whether for the DEA, CIA, IRS, or NSA.

Second, Donner, whose political sympathies fall well to the left, concentrates almost exclusively on the government's attacks in that direction. There is no denying that most of these intelligence campaigns have been directed at destroying the organizing efforts of communists, anarchists, union leaders, pacifists, and anyone else who could remotely be suspected of threatening private property or the warfare state. But critics of state power on the right have suffered as well for their views, as in the notorious "fascist" trial of the World War II years. The IRS, too, has long targeted right-wing groups, particularly those it suspects of harboring antitax sentiments. The appearance of Howard Jarvis's name on an IRS enemies list leaked to the press in 1975 illustrates the vindictiveness of an agency that knows no ideology other than bureaucratic aggrandizement. But, whether the victims are left or right, Donner's message is only confirmed: The power of the American state to crush dissent has reached awesome proportions. Are we going to do anything about it?

**COLLECTED POEMS 1944–1979,
by Kingsley Amis. Viking Press,
154 pp., \$10.**

Not with a bang, but a Wimpy's

X. J. KENNEDY

FOR MORE THAN A QUARTER of a century, critics have been trying to slap a description on Kingsley Amis. First there was that of Angry Young Man, but the label didn't stick. Neither Amis nor the antihero of his celebrated first novel, *Lucky Jim*, had waxed angry. To Jim Dixon, ex-working-class junior lecturer in medieval history, institutions such as universities seemed mere objects for contempt, like dusty bottles of long-kept port to be

X. J. KENNEDY is the author of Introduction to Poetry, published by Little, Brown and now in its fourth edition, and several books of poetry.

“One of the most unusual mystery novels ever written: unusual for the scope of the ideas it presents, unusual for the various theme elements involved, unusual for its plot, and above all unusual for the kinds of characters it presents. . . . The Watcher is a full-blown romantic mystery novel, concerned not only with its characters' personal values, but with their basic moral values and their visions of the human potential. . . . This is not, in short, a thriller to be lightly skimmed. The imagery, the purposeful, economic writing and the complexity of the dramatic issues and characterizations demand more intense reading, and fully reward such a focus.”

Steve Wright, *Ergo*

THE WATCHER Kay Nolte Smith

“A gripper. The characters are fascinating people and the story has more unpredictable turnings than a Rocky Mountain road. . . . It's a startlingly good suspense yarn.”

Brian Garfield,
author of *Death Wish*

“The Watcher grabbed me on page one and never let go.”

Robert Bloch,
author of *Psycho*

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200 Madison Avenue
New York, New York 10016

swigged irreverently.

Perhaps the label of conservative, more recently fastened on Amis, has better fitted him. Although early in his career he affirmed (in a Fabian Society pamphlet) his intention of voting Labour to the end of his days, "however depraved the Labour candidate may be," at the same time he asserted a basic conservative tenet: that the "most trustworthy political motive is self-interest."

Amis as a poet has been unwavering in his career-long scorn for romantic gush.

By 1967, Amis had swung round to a "grudging tolerance" for the Tory "party of nonpolitics." At times he has seemed in his attitude toward his fellow English intellectuals almost a kind of Mencken or Westbrook Pegler, willing to say anything if it will set off a good outrage. In his notorious declaration of support for the American war effort in Vietnam, Amis took pains to explain his reasons (among them, his disenchantment with the entire liberal creed); yet he left an impression that his views might have arisen not from pure logic, but from a delight in playing a surly tough who tosses stink bombs into the middle of a garden party.

Amis as a poet has been a more likeable conservative, unwavering in his career-long scorn for romantic gush and his devotion to iambic pentameter. He has been likened to Philip Larkin, his crony from college days; but the poetry of Amis belongs, I think, on a lower

shelf. Unlike Larkin, Amis rarely traffics in wonder, or shows compassion. He possesses a similar bitter humor and shared fondness for the poem of solitary meditation, as well as a diction that ranges from Neoclassical to Billingsgate as easily as his friend's. Both poets have been stingy producers, and Amis offers an unusually slim *Collected Poems*. In fact, since his last collection in 1967, he has added only twenty poems to his heap.

Apparently his main energies have gone into his seven novels of the past twelve years, including *The Green Man*, a splendid ghost story, and *Jake's Thing*, a hilarious blast at the new sexual consciousness.

An early poem, "Against Romanticism," tells us where Amis stands. He wishes to dwell in "a temperate zone:/ Woods devoid of beasts, roads that please the foot." He has never been much of a poet for opening magic case-ments—ordinary dirty storm windows, rather. In verse satire, however, Amis can be unbeatable. Overwhelmed by sexual invitations, the speaker in "A Dream of Four Women" spoofs both his own foolish longings and the power fantasies of most males. "An Ever-Fixed Mark," about extracurricular activities in a boys' school, ends memorably: "Sex is a momentary itch./Love never lets you go." (Actually, one of those lines was even more memorable in its 1967 printing: "Sex stops when you pull up your pants.") Eleven years of teaching college in Swansea helped Amis to ripen a comic sequence, "The Evans Country," which depicts the Welsh—with much affection—as a tribe of lustful guzzlers, who deserve to inhabit a town such as Aberdarcy:

*The journal of some bunch of architects
Named this the worst town centre they
could find;
But how disparate what so well reflects
Permanent tendencies of heart and mind?*

Distinguishing between high art and popular culture, the critic Earl Shorris once pointed out that although high art tries to imagine a finer world, popular culture blesses the ratty old world we know, and hence is "true conservativ-

ism." Perhaps the remark throws light on Amis's passion for throwaway literature. He has written a provocative survey of science fiction (*New Maps of Hell*), coedited a sci-fi annual, carried on the adventures of Ian Fleming's James Bond (in *Colonel Sun*, signed "Robert Markham"), and just lately has compiled *The Faber Popular Reciter*, a gathering of poems and pieces once widely memorized and elocuted.

This passion for the popular invades his verse. "Farewell Blues" praises vanished jazz musicians, and "Science Fiction" attributes the popularity of sci-fi to our yearning for "simpler versions of disaster," that is, for ten-clawed monsters instead of whatever more subtle doom is in store for us. "Report," another bit of true conservatism, is couched in the language of future bureaucrats to whom Earth is "Pre-training environment S3."

This sense of impending catastrophe tinges the late poems, in which Amis foresees an England spattered with ex-crescences:

*Look thy last on all things shitty
While thou'art at it: soccer stars,
Soccer crowds, bedizened bushheads
Jerking over their guitars . . .*

An Americanized future looms, no doubt complete with McDonald's eateries (or Wimpy's), chichi paella joints, and ranch-style houses. Amis thinks he knows what went wrong. Education has been phased out and media have expanded the general mind to bursting-point. "So bloody good luck to you, mate," says Amis cheerfully in "Ode to Me,"

*That you weren't born too late
For at least a chance of happiness
Before unchangeable crappiness
Spreads over all the land.*

Grimmer still, in "Crisis Song" he finds the world preparing to die in "a terminal spending-spree." The commonest things will grow scarce—"Christ, even these colour supplements/Will look beautiful, by and by." In "Their Oxford," the poet returns to his college haunts, bemused to find them overrun with businessmen dressed as actors, who call for "Highland malt with stacks of ice"—the ultimate vulgarity.

The sourness of these late poems puckers the mouth, and yet they have rare virtues. Caught in an inflationary spiral, our own poetry in America nowadays grows thinner and more spaced-out the more it proliferates, spinning farther away from musical skills and

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ordinary sense. Will the bottom drop out and will printers no longer touch the stuff? Perhaps, like hard-moneyites who save pre-1964 half-dollars, worried readers may soon begin to hoard poems written twenty-five years ago, back when poets contemplated a reality beyond their own skins, and still bothered to rhyme and scan. Amis's poems, to say the least, are worldly, expertly metrical, and (even when sour) enjoyable. Investors might do well to hang onto them. ■

Excerpts from *Collected poems 1949–1979* by Kingsley Amis. Copyright © 1979 by Kingsley Amis. Used by permission of Viking Penguin Inc.

AMERICA'S LONGEST WAR: The United States and Vietnam, 1950–1975, by George C. Herring. John Wiley & Sons, 298 pp., \$12.95 cloth, \$6.95 paper.

A consensus built on deceit

BARTON J. BERNSTEIN

NO WAR OVERSEAS SO TORE America apart and challenged its sense of purpose as did the bloody involvement in Indochina. Though the bitterness of those war years has faded, important questions about American purposes and actions linger. Why did America intervene in the war? Which administration made the critical commitment? Was the involvement an anomaly or part of a larger pattern of American policy: containment, perhaps imperialism?

Writing what is probably the best liberal survey of America's policy in the war, George Herring, a historian at the University of Kentucky, has eschewed passion without concealing political commitment; he presents a careful summary of events. His overarching interpretation rejects the theory that Vietnam was an accident and insists that America's involvement was the logical extension of its containment policy. The book's major weakness is that it offers an explanation that is unclear (or too eclec-

BARTON J. BERNSTEIN, a contributing editor of *INQUIRY*, teaches American history at Stanford. He is the author of several books on the Cold War.

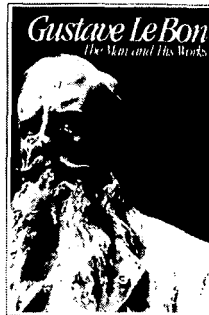
tic) as to why America adopted containment as a policy and then applied it to Vietnam.

Following some radical and most liberal analysts, Herring deeply regrets that Franklin D. Roosevelt, succumbing in 1944–45 to British-French pressure, abandoned his policy of placing Indochina under a trusteeship, and that Harry S. Truman blithely allowed the French to reassert their sovereignty there. By 1947, "obsessed with the Communist menace in Europe," the Truman administration concluded that Ho Chi Minh was "Moscow-directed" and soon

allowed the French to use Marshall Plan funds to fight the war against Ho.

Why did the Truman administration allow the French to put down the revolution? Herring's answer: The administration did not want to risk weakening or losing France, and it feared that the Kremlin dominated Ho. Herring implies that without a Europe-first orientation or a misinterpretation of Ho's relationship with the Kremlin, American ideology could easily have led to a very different policy: friendship for Ho. Unfortunately that amiable implication misses a basic component of American

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ideology, hostility to revolutions on the left; they violate liberal capitalist values and threaten to disorder the international capitalist system.

After the fall of China, as Herring notes, American leaders concluded that Southeast Asia was vital to the United States and the West. The loss of this area, its people, raw materials, and markets, would be a disaster to the "Free World," the National Security Council (NSC) warned. Western Europe might be tempted to be neutral or even to make critical concessions to the Soviets. Though the NSC suggested a complex theory of the political economy of capitalism, Herring does not integrate this theory into his explanation of containment. Containment, for him, remains an unfortunate misinterpretation of America's security needs, and thus he keeps his distance from such radical theories as William A. Williams's "open door" framework and Gabriel Kolko's emphasis on the American system's economic imperatives.

Herring closely charts the process of America's growing commitment to aiding the French and stopping Communism in Indochina. In mid-1952, when the Korean War negotiations were stalemated, Secretary of State Dean Acheson concluded it would be "futile and a mistake to defend Indochina in Indochina. [We] could not have another Korea, we could not put ground forces into Indochina." But the NSC decided that if China entered the war in Indochina, America would send naval and air forces to defend Indochina and even consider extending attacks to China itself.

HOW CLOSE DID EISENHOWER come to committing American forces to the fighting in Vietnam when Dienbienphu, the beleaguered French fortress, was falling in the spring of 1954? Secretary of State John Foster Dulles presented the case for military intervention to reluctant congressional leaders who insisted on British cooperation in the venture and French agreement to move toward granting Indochina independence. Herring implies that Ike expected to win British and French support for these terms. Yet it is more likely that Eisenhower, while sometimes wavering, actually preferred to avoid American military intervention and may have relied upon Congress and our allies to help block it. That way he could not be accused of "losing" Vietnam, for Democratic congressmen would have to share the blame. Had Ike been eager to inter-

vene in the war, he might have tried to cajole the congressional leaders and not let Dulles, a fierce partisan likely to provoke Democratic antagonism, carry the chief responsibility. Though Ike did not intervene militarily, he did contrive—through massive economic aid and an

Acheson & Co. urged a cutback in Vietnam; 'The establishment bastards have bailed out,' LBJ lamented.

undermining of the Geneva accords—to shore up an anti-Communist government in the South.

President John F. Kennedy, more than Truman or Eisenhower, was unwilling to permit South Vietnam to fall to Communism. For him and his advisers, as Herring stresses, Vietnam was a test case of American credibility and of America's capacity to halt wars of national liberation. As Walt W. Rostow said, if we won in Vietnam then Southeast Asia and much of Latin America would be safe. Vietnam was important for its substance and symbolism. While Kennedy did not "eagerly take up the burden," as Herring notes, his administration slowly increased America's commitment to Diem. JFK's aim was to shore up South Vietnam so that it could win the war.

Herring does hold Kennedy responsible for the autumn 1963 coup against Diem. By neither encouraging nor discouraging the coup, and by leaving matters in the hands of Ambassador Henry Cabot Lodge, who was known to favor a coup, the President allowed the Vietnamese generals to topple Diem. Without Lodge's support, they probably would not have risked the venture. It is likely that Kennedy was sincerely depressed when he learned of the slaying of Diem and Nhu, for, as one associate recalled, the President "rushed from the room with a look of shock and dismay on his face which I had never seen before." He had implicitly sanctioned a coup but probably not intended the assassination.

What would JFK have done if he had lived? Would he, like Johnson, have escalated the war? The question, though speculative, is tantalizing, but it is one

that Herring chooses to avoid. Some Kennedy admirers claimed much later that JFK had said in 1963 that he recognized the perils of American involvement (17,000 troops in Vietnam) and would pull out after the 1964 election. Such recollections, disclosed after the Vietnam War had become unpopular, are unsupported by contemporary documents and seem to be the belated efforts of loyal members of Camelot to refurbish Kennedy's image.

Could Johnson have rejected the commitment in Southeast Asia that he inherited? It would not have been politically easy. Most important, however, he did not wish to free himself from the burden. It was one he willingly assumed, for he shared with Kennedy the same Cold War ideology and thus even retained the same advisers on foreign policy. They and Johnson deceived Congress in 1964 in order to secure the Gulf of Tonkin resolution and then awaited a pretext to justify bombing the North in February 1965. That pretext was the Viet Cong attack on Pleiku. In a characteristic understatement Herring notes: "the administration was considerably less than candid in explaining the reasons for bombing North Vietnam." His conclusion is phrased more sharply: "Consciously emulating the example set by Franklin Roosevelt in leading the United States into World War II, Johnson took the nation into war by indirection and dissimulation." For a time, LBJ was able to maintain the fragile consensus built on deceit.

For many Americans, both elite and rank and file, the unexpected Tet offensive in the winter of 1968 smashed the belief that victory was near. The "light at the end of the tunnel" was fading. If American and South Vietnamese forces could not even protect the American embassy in Saigon, how could Americans at home trust their government's optimistic reports? Ironically, even LBJ's claims that Tet constituted a Viet Cong defeat (because they had lost so many) did not win belief at home. The administration had lied too much—a theme that Herring acknowledges but seldom emphasizes.

Secretary of Defense Clark Clifford, who had just succeeded Robert McNamara after the latter lost all taste for the war, and former Secretary of State Dean Acheson urged negotiations, a halt to the bombing, and a cutback of the ground war. They were alarmed partly by the domestic unrest over the war and the defection of the business elite. The Clifford-Acheson analysis won the en-

MEMORIAL DAY, 1967

Military music, like quiver of sun off concrete,
beats on the mind in waves. Fifty yards
across the grass, all brass and ragged piping,
a butcher guides the city band.

It's Memorial Day in wartime, and we've come home:
my son squats in a pool the New Deal built for me,
my wife's hem observes a wartime high,
and everything comes round again.

Comes round again to me, who might be hiding in this shade.

Am I supposed to be my father, smiling,
thumbs up under the fuselage in a dusty frame,
waiting the shiver of plexiglas over France?

This morning, when we laid the flowers,
the bugler waited in the graveyard,
blew breath through his cornet
warming the mouthpiece, as I had done
playing taps there, a high school boy.
They put me on a rise, too near
my grandmother, and the veterans
fired volleys in the empty air, and I
drew in the taste of brass, and played.
If I looked at home I'd find the letter
from a grateful veteran, said I did a good job:
ask him now, he'd say I'm not my father's son.

But I know the music. I know, from the dark parlor
where my grandmother talked, of lilacs in a glass
beside an older picture, and I have heard her sing
the songs of that war: they play them still,
between the Goldman cornet pieces.

It comes round to me: I'm not my father, but
it's wrong to say I'm not his son: my teeth
join like his, I can see it where he smiles;
his lips would meet the horn like mine.

Yes, my heart beats to this noise
the butcher waves out from aldermen:
I played the music for that life
and would have lived it, left my child
a snapshot instead of words, a different irony
for him to read, if he could read it.

It comes again; the irony is in our lives,
and though no words would make a veteran understand,
I claim my patrimony in the images that crowd
the mind this day of memory, and in the pain
of this dumb sound I know my kin. —WILLIAM WILBORN

*WILLIAM WILBORN teaches creative writing at the University of Reno.
His work is currently appearing in Green House, Blue Unicorn, and the
forthcoming anthology, The Nevada Poets.*

dorsement of a majority of the so-called Wise Men, a group of establishment leaders. "The establishment bastards have bailed out," Johnson lamented.

JOHNSON DECIDED TO withdraw from the presidential race; he reduced the bombing of the North, stressed the role of the South's army, and only slightly increased U.S. troop strength in the war. Herring emphasizes what some analysts have failed to understand: Johnson still hoped to secure an independent, non-Communist South Vietnam. Both the bombing in the South and the brutal ground war continued until the fall when the political needs of Hubert Humphrey, the Democratic candidate, led LBJ to reduce the scale of the war.

Did Nixon and Kissinger give up the hope of an independent, non-Communist Vietnam, as some interpreters have suggested, and aim simply for a "decent interval" between America's withdrawal and a Communist triumph? Herring argues, without adequate evidence, that Nixon clung to his quest for "peace with honor" but that Kissinger decided to settle for a "decent interval"—a position that Kissinger denies in his recent memoirs. There is scattered evidence to support Kissinger's claim, for he and Nixon seemed to believe that Saigon could maintain its independence after America's troop withdrawal if Congress would continue to provide massive economic and military aid and if the administration could reenter the war should Hanoi violate the agreement.

The hopes of Nixon and Kissinger proved illusory: The Saigon government was weaker than they thought, and the Congress, angered by the war and Watergate, blocked both aid and reentry into the war.

The critical question is, What lessons have Americans learned from the Vietnam War? The widespread frustration about America's inability to work its will in foreign affairs, and the Carter administration's capacity to exploit that uneasiness by such means as the Carter Doctrine and a call for a rapid deployment force, suggest that Americans may again be coming to view the Vietnam experience as unique—an aberration in an otherwise moral policy. America still is in need of a truly searching analysis of why we became involved in the Vietnam War, and whether it resulted from deep-rooted needs—or perceived needs—of the American "system." To blame containment, as Herring does, is to present only part of the lesson. □

COAL MINER'S DAUGHTER,
directed by Michael Apted.

MY BRILLIANT CAREER, directed
by Gillian Armstrong.

Success stories

DIANE JACOBS

THE SUCCESS-AGAINST-great-odds film can be as poignant as *City Lights*, as exhilarating as *Bound for Glory*, or as depressingly calculated as last year's *Rocky* spinoffs—*Voices*, where the deaf dance, and *Ice Castles*, where the blind skate. Hard times in the real world have always fostered wishful thinking in the cinema. The success genre reached its height during the Depression, and, indeed, there's no dearth of sanguine footage around today. Yet, with the notable exception of *Norma Rae*, the genre has produced so few appealing or credible winners in the past year that the arrival of two in one month, both based on spunky real-life women, is an achievement in itself. Furthermore, the very dissimilar but equally full-bodied heroines of *Coal Miner's Daughter* and *My Brilliant Career* do well for themselves in unpredictable, human ways that inspire without ever seeming to teach us a feminist lesson. No mean accomplishment.

Adapted from country singer Loretta Lynn's autobiography, *Coal Miner's Daughter* is a compelling, if never startling, poverty-to-stardom tale, rounded out with evocative sketches of Loretta's Appalachian childhood, the country music industry, and the Lynns' gusty, loving married life. Director Michael Apted (*Agatha*) is a first-rate storyteller, with an impressive flair for pacing and for offsetting sentiment with the telling detail or irony. But *Coal Miner's Daughter*

is first and foremost a tour de force for actors Tommy Lee Jones as Loretta's indomitable husband, and Sissy Spacek, who plays and sings Loretta from age fourteen into her early thirties with breathtaking depth and assurance. Even those who belittled Spacek's subtly varied work in *Badlands* and *Three Women* are bound to acknowledge this passionate, cheerful performance as the triumph of a major talent.

Less quirky than *The Buddy Holly Story*, which Apted's format recalls, *Coal Miner's Daughter* is very much the memoir of a dutiful daughter and wife. The film's title (taken from the book) is no mistake. Though she grows to respect and indeed depend on her virtues as a singer, Loretta Lynn, who bore four children before strumming a note in public, clearly sees herself in relation to her men. To his credit, Apted conveys Loretta's unfeministic view of things without ever seeming to make a political generalization. Loretta is one very gifted woman, not especially ambitious, not at all business-minded, who couldn't have achieved fame without a push from her outspoken husband. She's not womankind.

Set after World War II, in the somber Kentucky mining town of Butcher Hol-

low, the early scenes of Loretta's childhood—"We were poor, but we had love," as she would later sing—and marriage shortly after her fourteenth birthday are rich in ambiance and candid humor. We watch the freckled Spacek, absolutely convincing as a dreamy adolescent Loretta, visiting her father at the mines or huddled by the fire in an overcrowded house with squealing babies and a mother whose chiseled features seem to come from a Walker Evans photograph. We see the swaggering army veteran Doolittle Lynn turn up in town and understand the mutual attraction between this jaunty, unresigned man and the naive but spirited Loretta.

After a one-month courtship, the marriage of Loretta and "Doo" gets off to an unpromising start. Her parents are unbudgeably against the match, and the innocent bride finds her husband, in his sexual exuberance, "just like a pig." For his part, Doo is contemptuous of his wife's brazen ignorance in bedroom and kitchen; we sense that, love notwithstanding, they would probably have parted ways had Loretta not, in Doo's words, "finally discovered something [she] could do"—get pregnant.

After Doo and Loretta leave the Kentucky mines for a Washington ranch and begin raising four healthy kids, *Coal Miner's Daughter* turns to the Lynns' next project—Loretta's singing career. As played attractively by the gifted Tommy Lee Jones, Doo is a mixture of impudent male chauvinist and doting stage



DIANE JACOBS is the author of *Hollywood Renaissance*, published recently by Delta Books.

mother. One moment he's falling into Loretta's bed after a night on the town, or laying down family laws without consulting the little woman. The next he's buying Loretta her first guitar, setting up nightclub acts, and planning his wife's record debut. Doo is a proud man, secure enough to enjoy his wife's talent and audacious enough to risk all on making a living off it. It's Doo who convinces his mother-in-law to mind the kids while he patiently shuttles his "ignorant but not stupid" (Loretta's description) wife around the Southwest, getting to know the DJs. And it's once again Doo who urges a timid Loretta onto the stage of the Grand Ole Opry and is just as elated, if not as surprised, as she is by her instant success.

THIS GRAND OLE OPry venture is the film's true climax, and it should have been the ending; either that or the movie should have been longer. As it stands now, the last quarter of the movie—where Doo bristles and then adjusts to being "Mr." Loretta Lynn, and Loretta's increasingly severe headaches build to an on-stage nervous breakdown—feels rushed and hasn't the amplitude of the earlier scenes. We get a taste of the discomforts of stardom in Apted's cuts from bus ride to performance to bus ride, and a glimpse of Loretta's inevitable drifting away from her children in a telling sequence where she can't distinguish one twin daughter from the other. Yet, the causes of her nervous breakdown are never probed in the way that, say, her enduring affection for her stolid father is, and all the wrangling and making up with Doo grows tiresome.

These cavils aside, *Coal Miner's Daughter* is enormously engaging, with few plot or stylistic surprises. The early scenes where Loretta blends comfortably with her mining-family roots make sense in terms of the country music experience as well as her own life. As Robert Altman displayed, albeit sardonically, in *Nashville*, the twangy banality of country music lines like "I'm just a honky-tonk girl" or "You ain't woman enough to take my man" perfectly suits an audience that wants to believe that the singer, however gifted, is as unassuming as it is.

As played by Spacek, Loretta Lynn is precisely that. There's a wonderful scene in the middle of the film where Loretta skittishly approaches her first audience ever. Apted shows her alone on the platform, singing sweetly but in a voice so faint we have to strain to hear.

Then he cuts to the anxious, proud Doo and then to the crowd that is beginning to perk up and take notice; then back to the broadly, almost coquettishly smiling Loretta. "They love me!" she tells Doo. *Coal Miner's Daughter* is not the story of the artist breaking away from family to cultivate an abrasive individuality. It's the story of a spirited woman palatably developing within the family structure and then branching out a bit—only to discern that the big world's not all that different from her domestic one.

My Brilliant Career, the first feature directed by Australian Gillian Armstrong, takes precisely the opposite approach. Set in turn-of-the-century Australia and based on a classic, mostly autobiographical novel by Miles Franklin, a 16-year-old girl, *My Brilliant Career* is the story of wild, selfish, would-be writer Sybylla. Where Loretta blends into her environment, Sybylla sticks defiantly out; where Loretta draws on her loved ones for strength, Sybylla must leave kin and romance behind.

My Brilliant Career opens with pans around a squalid little house, and then the camera lingers at a window where Sybylla is composing the opening lines of her memoirs. "So," muses Sybylla, "in answer to many requests, here is the story of my career . . . my brilliant career." Sybylla, sensitively played by Judy Davis, is a scrawny, pouting teenager with large, scrutinizing eyes and not much of a sense of humor about herself or a tolerance for the conventions of late nineteenth-century society. She has grand, solitary, multitudinous goals, but her downtrodden mother, who married—inadvisedly—for love, would just like to see the girl bring in a little money.

Toward that end her mother has arranged a job for Sybylla as a servant, but her wealthy grandmother unexpectedly invites her to visit Caddagat, her country estate. The stay is supposed to transform homely, willful Sybylla into an accommodating young lady fit for a woman's lot—marriage. Sufficient food, nice clothes, a warm bed, and falling in love do palliate Sybylla's anger and make her a bit less self-pitying. They change her, but not much. For Sybylla is not the model career woman before her time, but a troubled free spirit.

SOME OF THE GREATEST pleasures of *My Brilliant Career* are its period details: the Victorian mansions, the dank peasant huts, the willowy uncut grass, the fancy balls, the picture of a robust upper class that is trying to be very, very British although

obviously made of more homely, durable stuff. Like the "new" Australian film makers who are her peers, Philip Noyce (*Newsfront*) and Bruce Beresford (*The Getting of Wisdom*), Gillian Armstrong clearly relishes the opportunity to show off Australia to the world.

There's an energy to *My Brilliant Career* and to much of the recent, prodigious output of her countrymen that recalls the straightforward enthusiasm of early American sound films. The performances are all good, but particularly noteworthy along with Judy Davis's are those of Aileen Britton as Sybylla's grandmother and Wendy Hughes as her aunt.

The film's major flaw is its approach to the ending of a quite affecting love story between Sybylla and the rich, handsome Harry Beecham (Sam Neill). Sybylla, who clearly loves Harry, turns down his marriage proposal not once, but twice. Granted she's no Loretta



Lynn, but then the sympathetic Harry, who clearly admires Sybylla's intelligence and ambition, is worlds away from the chauvinist Doo. We don't for a minute believe that marriage to Harry would either preclude a career or imply a household of wailing babies. The rejection thus rings false.

Still, the film's final scene is so stirring that it makes us, like Sybylla, forget Harry. It's dawn, and she's finished her first novel, which we know is destined to become the best-selling *My Brilliant Career*. The camera tracks in on Sybylla as she places her unwieldy manuscript in a tidy little mailbox; the music swells; the camera pulls back; the dawn sky seems so near to Sybylla she can almost touch it. As befits the success-against-great-odds genre at its best, *My Brilliant Career* is, well, uplifting. □

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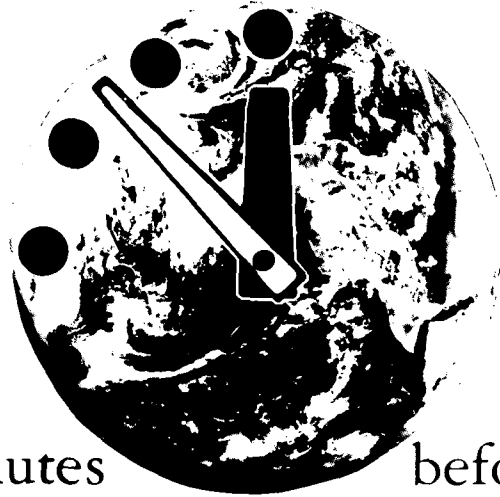
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